

ORDINANCE NO. 03-892

AN ORDINANCE OF THE CITY OF FULSHEAR, PROVIDING FOR THE HOLDING OF A GENERAL ELECTION ON MAY 3, 2003, FOR THE PURPOSE OF ELECTING THREE (3) ALDERMEN; AND PROVIDING DETAILS RELATING TO THE HOLDING OF SUCH ELECTION.

* * * * *

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 2003, the same being the 3rd day of said month, at which election all qualified voters of the City may vote for the purpose of electing three (3) Aldermen.

Section 2. No person's name shall be placed upon the official ballot as a candidate for Alderman 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

Delana Jones 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 three (3) 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 19 day of FEBRUARY, 2003.



J. Michael Dinges
Mayor

ATTEST:

ALDERMEN:

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



Kathy Mayfield
City Secretary

ORDINANCE NO. 03-893

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FULSHEAR, TEXAS, ADOPTING THE FUTURE VISION REPORT SUMMARY AS THE CITY'S FIRST COMPREHENSIVE PLAN; FURTHER DEFINING THE GOALS AND GUIDELINES TO BE FOLLOWED IN DEVELOPMENT IN THE CITY LIMITS AND EXTRATERRITORIAL JURISDICTION; PROVIDING FOR CHANGES AND AMENDMENTS; ESTABLISHING AN EFFECTIVE DATE; AND PROVIDING FOR SEVERABILITY.

* * * * *

WHEREAS, the City of Fulshear is located within Fort Bend County, which has been experiencing a rapid and high rate of growth over the last few years; and

WHEREAS, the City is located near major thoroughfares and the path of growth and development in the Ft. Bend County/Katy area, and reasonably believes that development will soon approach its boundaries; and

WHEREAS, the City wishes to ensure that its development regulations reflect current land development trends, enhance community character and accurately reflect the goals for future development within its municipal boundaries and extraterritorial jurisdiction; and

WHEREAS, the City wishes to ensure that this coming growth and land development occurs in a safe, orderly and healthful pattern, and seeks by its regulations to promote the health, safety, morals, and general welfare of the municipality; and

WHEREAS, Council is presently undertaking an evaluation of the City's land development regulations, and will hold such public hearings as may be required by law; and

WHEREAS, Chapter 213 of the Texas Local Government Code authorizes cities to adopt comprehensive plans to be used to coordinate and guide the establishment of development regulations; and

WHEREAS, the City held a Community Workshop on February 2, 2002, to gather community input, opinions, and responses to the development issues facing Fulshear, the results of which were gathered in the "Future Visions Summary Report" dated April 10, 2002; now, therefore,

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

Section 1. That the "Future Visions Summary Report" ("Vision Report") dated April 10, 2002, is hereby accepted and adopted by the City Council to serve as a comprehensive plan, until such time as it may be amended or replaced, to provide guidelines for the City's future growth, and regulatory and comprehensive planning efforts.

Section 2. That the following are hereby found to be specific goals and guidelines that all development within the City limits and the City's extraterritorial jurisdiction should conform to:

- A. Small town character should be preserved through acknowledgement and preservation of the rural and small town history of Fulshear in new development.
- B. The density of new construction should not dramatically exceed that which currently exists in Fulshear; an emphasis should be placed on larger lot development, though a mix of development densities may be considered appropriate.

- C. Development patterns should encourage sustainable economic development, but while preserving the rural and open space character of Fulshear.
- D. Signage should be low-key and limited. Lighting of signs and public areas should be minimized as much as possible; discourage use of excessive overhead lighting at commercial establishments.
- E. Adequate recreational facilities and linkages through hike and bike trails and parks is required. Green space should be maximized through creative development patterns and preservation of trees.
- F. The development of a town square should be encouraged.
- G. Infrastructure should be unobtrusive, attractive, and in keeping with the small town character—for example, pavers for sidewalks, lower level lighting instead of tall street lights.

Section 3. The City Council hereby confirms its desire and intention to work with developers within the City and its extraterritorial jurisdiction to create and encourage creative development to achieve these goals, and provide for the orderly and desirable growth of the City, and ensure attractive and sustainable development for current and future residents and businesses.

Section 4. The Vision Report is hereby declared to be a guide to the development of the City, and to be used as a guide and companion document to the development regulations of the City. Notwithstanding the foregoing, the City recognizes that circumstances may change in ways not currently anticipated or known, and Council reserves the right to legislatively

determine that such plan needs amendment. City Council may refer any requested change to the Comprehensive Plan and its elements back to staff and such committees, as may be appropriate, including the Planning and Zoning Commission, for further study and recommendations.

Section 5. The Council reserves the right to amend the Comprehensive Plan at any time by adding or removing components or by amending in part or in whole the components identified above.

Section 6. That this Ordinance shall be in full force and effect from the date of passage.

Section 7. 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 19 day of FEBRUARY 2003.

CITY OF FULSHEAR

Mayor

ATTEST

City Secretary

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ALDERMEN:

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

ORDINANCE NO. 03-894

AN ORDINANCE OF THE CITY OF FULSHEAR, TEXAS AMENDING ORDINANCE NO. 01-865 CHANGING THE NUMBER OF MEMBERS ON THE PLANNING COMMISSION AND ESTABLISHING AN ADVISORY MEMBER OF THE PLANNING COMMISSION; AND PROVIDING FOR SEVERABILITY.

* * * * *

WHEREAS the City Council of the City of Fulshear has passed Ordinance No. 01-865 establishing the membership, qualifications, appointment, and term of office for the Planning Commission of the City; and

WHEREAS the City Council desires to change the number of members of the Planning Commission of the City from eight (8) to five (5) members; and

WHEREAS the City Council desires to establish an advisory position on the Planning Commission for the purpose of reporting to the City Council; NOW

THEREFORE,

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

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

Section 2. Section 4A of Ordinance 01-865 is hereby deleted in its entirety and a new Section 4A shall be inserted in its place which shall read as follows:

Section 4. **Membership, Appointment, Term of Office, Meetings.**

A. Membership. The Planning Commission shall be composed of five (5) voting members and one advisory member, each of whom shall be, at the time of appointment and at all other times while serving as a member of such commission, resident citizens of and/or owners of real property within the City of Fulshear, Texas, or its extraterritorial jurisdiction. The advisory member shall not be entitled to vote, and shall not be considered a member of the Planning Commission for purposes of determining if a quorum of members exists at any particular meeting. The advisory member shall be experienced in land use

and development and provide advice to the Planning Commission regarding issues before the Planning Commission.

Section 3. Section 5A of Ordinance 01-865 is hereby deleted in its entirety and a new Section 5A shall be inserted in its place which shall read as follows:

Section 5. Procedures.

A. **Quorum and Vote.** Each Planning Commission member in attendance at a duly called and noticed meeting, except for the advisory member, may vote. All matters to be heard by the Planning Commission shall be considered by a minimum of three (3) members, excluding the advisory member, which shall be the quorum necessary for conducting a meeting. The concurring vote of a majority of the members in attendance, excluding the advisory member, shall be necessary for the passage of any motion.

Section 4. 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 the 19 day of FEBRUARY 2003.


J. Michael Dinges
Mayor

ATTEST:


Kathy Mayfield
City Secretary

ALDERMEN:

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

ORDINANCE NO. 03-895

AN ORDINANCE OF THE CITY OF FULSHEAR, TEXAS, DECLARING UNOPPOSED CANDIDATES IN THE MAY 3, 2003 GENERAL CITY ELECTION ELECTED TO OFFICE; CANCELING THE ELECTION; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

WHEREAS, the General City Election was called for May 3, 2003, for the purpose of electing members to the City Council; and

WHEREAS, the City Secretary has certified in writing that there is no proposition on the ballot, that no person has made a declaration of write-in candidacy, and that each candidate on the ballot is unopposed for election to office; and

WHEREAS, under these circumstances, Subchapter C, Chapter 2, Election Code, authorizes the City Council to declare the candidates elected to office and cancel the election;

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

Section 1. The following candidates, who are unopposed in the May 3, 2003, General City Election, are declared elected to office, and shall be issued certificates of election following the time the election would have been canvassed:

Bill Archer, Alderman
J.B. Collins, Jr., Alderman

Section 2. The May 3, 2003, General City Election is canceled, and the City Secretary is directed to cause a copy of this ordinance to be posted on election day at each polling place that would have been used in the election.

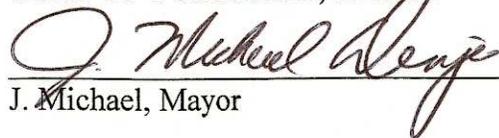
Section 3. It is declared to be the intent of the City Council that the phrases, clauses, sentences, paragraphs, and sections of this ordinance are severable, and if any phrase, clause, sentence, paragraph, or section of this ordinance is declared invalid by the judgment or decree of a court of competent jurisdiction, the invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs, or sections of this ordinance since the City Council would have enacted them without the invalid portion.

Section 4. This ordinance shall take effect upon its final passage, and it is so ordained.

Section 5. It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public, and public notice of the time, place and purpose of said meeting was given, as required by the Open Meetings Act, Chapter 551, Texas Government Code.

PASSED, APPROVED AND ADOPTED this the 16 day of April, 2003.

CITY OF FULSHEAR, TEXAS



J. Michael, Mayor

ATTEST:



Kathy Mayfield, City Secretary

ORDINANCE NO. 03-896

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. 02-889, ADOPTED THE 9TH DAY OF SEPTEMBER, 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:

Ancillary sign shall mean a sign which conveys information regarding a service, facility, or product subsidiary or ancillary to the main or principal business use of a property, such as telephone signs, restroom signs, credit card signs, open signs, or signs displaying the hours of operation for the business or entity.

Monument sign shall mean a 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. Monument signs are further defined in Section 4 of this Ordinance.

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.

Wind device sign shall mean any flag, pennant, banner, streamer, balloon, inflatable device or similar-type object made of cloth, canvas, nylon, plastic, or other flexible material, with or without a frame or other supporting structure, that moves, or is intended to move or blow with the wind.

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 allowed by this ordinance shall be designed and constructed in one of two formats. All signage shall 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 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 seventy-two (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 (1) 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 only information identifying the business located on the 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 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 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.
- 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 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.
- R. Wind Device 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. **Mailboxes, and addresses.** Addresses and names printed on a standard size on 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 for a period not to exceed seven (7) days in a calendar quarter. The seven days per calendar quarter permitted by this subsection shall not accumulate from calendar quarter to calendar quarter.

A permit for the placement of a temporary banner allowed by this subsection shall not be required, provided, however, that any person who erects a temporary banner shall register said banner with the City providing the date on which said banner was first placed on site. Any person who registers a temporary banner allowed by this subsection shall pay to the City a refundable fee in the amount of twenty-five dollars (\$25.00). This registration fee will be returned upon proof that the temporary banner has been removed within the time specified by this subsection.

- O. **Non-profit announcement signs.** Signs announcing events or programs by a not-for-profit organization 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.

A permit for the placement of a non-profit announcement sign allowed by this subsection shall not be required, provided, however, that any person who erects a non-profit announcement sign shall register said sign with the City providing the date on which said sign was first placed on site. Any person who registers a non-profit announcement sign allowed by this subsection shall pay to the City a refundable fee in the amount of twenty-five dollars (\$25.00). This registration fee will be returned upon proof that the non-profit announcement sign has been removed within the time specified by this subsection.

- P. **Ancillary Signs.** A business or other entity shall be allowed up to three (3) ancillary signs placed on the door or exterior wall or window of the premises. No permit will be required under this Ordinance for such ancillary signs. All ancillary signs shall be no larger than four square feet (4') in total sign area.

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 or message 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 or changed, 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

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. The permit application fee required by this section shall not be required for noncommercial signs, but noncommercial signs shall comply with this Ordinance in all other respects.

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 Planning Commission of the City by

delivering, in writing, a notice of appeal stating therein the decision complained of and the reasons for appeal. The Planning Commission 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. Any decision of the Planning Commission with respect to an appeal heard under this section may be further appealed to the City Council of the City in the same manner the appeal was made to the Planning Commission. 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.

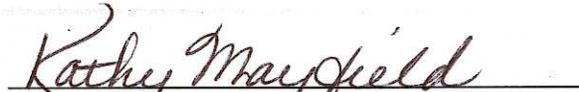
Section 18. **Repealer.** Ordinance No. 02-889 originally passed and approved the 9th day of September, 2002 is hereby repealed. All other ordinances or parts of ordinances inconsistent or in conflict herewith are, to the extent of such inconsistency or conflict, hereby repealed.

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 16th day of July 2003.


Michael Dinges, Mayor

ATTEST:


Kathy Mayfield, City Secretary

JOHN SMART	AYE
BILL ARCHER	AYE
J B COLLINS, JR	AYE
OWEN BEMENT	AYE
COLICE WATTS	AYE

ORDINANCE NO. 03-897

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FULSHEAR, TEXAS, PLACING A THREE-WAY STOP SIGN AT THE INTERSECTION OF FULSHEAR/KATY ROAD AND HUGGINS STREET; REPLACING CURRENT SPEED LIMIT SIGNS OF 20 MILES PER HOUR AT EACH END OF HUGGINS STREET AND ADDING 30 MILES PER HOUR/END SCHOOL ZONE SIGNS ON THE OPPOSITE SIDE OF THE ROAD FROM THE SCHOOL ZONE SIGNS; TO THE NORTH FROM HUGGINS STREET, ADDING 30 MILES PER HOUR SPEED LIMIT SIGNS ESTABLISHING A MAXIMUM PRIMA FACIE SPEED LIMIT OF 30 MILES PER HOUR AT ALL TIMES; PROVIDING A PENALTY OF AN AMOUNT OF NOT LESS THAN ONE DOLLAR (\$1.00) OR MORE THAN TWO HUNDRED DOLLARS (\$200.00) FOR VIOLATION OF ANY PROVISION HEREOF; AND PROVIDING FOR SEVERABILITY.

* * * * *

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

Section 1. Upon the recommendation of Fort Bend County, after a review of the current traffic control devices in place around the area of Huggins Elementary School, the City Council has determined that the following prima facie speed limits hereafter indicated for vehicles upon the named streets are hereby determined and declared to be reasonable and safe; such speed limits are hereby fixed at the rate of speed indicated for vehicles traveling upon the named streets and highways, or parts thereof; and that traffic control signage should be altered as follows:

- a. Placement of a three-way stop sign at the three-way, "T" intersection of Huggins Street and Fulshear/Katy Road; and
- b. Replacement of the current twenty miles per hour (20 m.p.h.) school zone signs along Huggins Street in the vicinity of Huggins Elementary School, where signs are currently located.
- c. Along Dixon Road to the north from Huggins Street, the maximum prima facie speed limit shall be posted thirty miles per hour (30 m.p.h.) and signs shall be posted to reflect such maximum prima facie speed limit.

Section 2. The City's Director of Public Works, or his designated representative, is hereby authorized and directed to place or cause to be placed appropriate traffic control devices to effectuate the establishment of the maximum prima facie speed limits as herein provided.

Section 3. Any vehicle traveling at a speed in excess of the maximum prima facie speed limit herein established for the designated streets and highways, or parts thereof, shall be prima facie evidence that the speed is not reasonable or prudent and that it is unlawful. No person shall drive a vehicle at a speed in excess of that which is reasonable and prudent under the circumstances existing.

Section 4. Any person who shall violate any provision contained in this Ordinance, or who shall commit or perform any act declared herein to be unlawful, shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined in an amount of not less than one dollar (\$1.00) and not more than two hundred dollars (\$200.00).

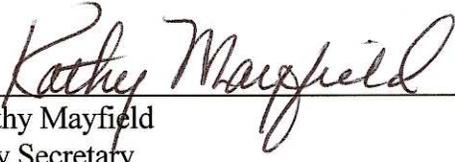
Section 5. In the event any clause, phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this 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, APPROVED, AND ADOPTED this 16th day of July 2003.



J. Michael Dinges
Mayor

ATTEST:



Kathy Mayfield
City Secretary

JOHN SMART	AYE
J B COLLINS, JR	AYE
BILL ARCHER	AYE
OWEN BEMENT	AYE
COLICE WATTS	AYE

ORDINANCE NO. 03-898

AN ORDINANCE PROVIDING FOR THE ASSESSMENT, LEVY, AND COLLECTION OF AD VALOREM TAXES OF THE CITY OF FULSHEAR, TEXAS, FOR THE YEAR 2003 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 2003, and for each year thereafter until otherwise provided, an ad valorem tax at the rate of Thirty-seven and 000/1000 Cents (\$.37000) 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, 2004. 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 17th day of September 2003.



J. Michael Dinges
Mayor

ATTEST:



Kathy Mayfield
City Secretary

JOHN SMART - AYE
BILL ARCHER - AYE
OWEN BEMENT - AYE
COLICE WATTS- AYE
JB COLLINS JR- AYE

ORDINANCE NO. 03-899

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. 03-896, ADOPTED THE 16TH DAY OF JULY 2003 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:

Ancillary sign shall mean a sign which conveys information regarding a service, facility, or product subsidiary or ancillary to the main or principal business use of a property, such as telephone signs, restroom signs, credit card signs, open signs, or signs displaying the hours of operation for the business or entity.

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.

Wind device sign shall mean any flag, pennant, banner, streamer, balloon, inflatable device or similar-type object made of cloth, canvas, nylon, plastic, or other flexible material, with or without a frame or other supporting structure, that moves, or is intended to move or blow with the wind.

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 shall be approved by Planning 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 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 seventy-two (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 (1) 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 ~~only~~ information identifying the business located on the 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 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 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 ground-mounted 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 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 or person in possession of the property.
- Q. Off-premise signs.
- R. Wind Device 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. **Mailboxes, and addresses.** Addresses and names printed on a standard size on 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 for a period not to exceed seven (7) days in a calendar quarter. The seven days per calendar quarter permitted by this subsection shall not accumulate from calendar quarter to calendar quarter.

A permit for the placement of a temporary banner allowed by this subsection shall not be required, provided, however, that any person who erects a temporary banner shall register said banner with the City providing the date on which said banner was first placed on site. Any person who registers a temporary banner allowed by this subsection shall pay to the City a refundable fee in the amount of twenty-five dollars (\$25.00). This registration fee will be returned upon proof that the temporary banner has been removed within the time specified by this subsection.

- O. **Non-profit announcement signs.** Signs announcing events or programs by a not-for-profit organization 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.

A permit for the placement of a non-profit announcement sign allowed by this subsection shall not be required, provided, however, that any person who erects a non-profit announcement sign shall register said sign with the City providing the date on which said sign was first placed on site. Any person who registers a non-profit announcement sign allowed by this subsection shall pay to the City a refundable fee in the amount of twenty-five dollars (\$25.00). This registration fee will be returned upon proof that the non-profit announcement sign has been removed within the time specified by this subsection.

- P. **Ancillary Signs.** A business or other entity shall be allowed up to three (3) ancillary signs placed on the door or exterior wall or window of the premises. No permit will be required under this Ordinance for such ancillary signs. All ancillary signs shall be no larger than four square feet (4') in total sign area.

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 or message 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 or changed, 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

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. The permit application fee required by this section shall not be required for noncommercial signs, but noncommercial signs shall comply with this Ordinance in all other respects.

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 Planning Commission of the City by

delivering, in writing, a notice of appeal stating therein the decision complained of and the reasons for appeal. The Planning Commission 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. Any decision of the Planning Commission with respect to an appeal heard under this section may be further appealed to the City Council of the City in the same manner the appeal was made to the Planning Commission. 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. 03-896 originally passed and approved the 16th day of July 2003 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.

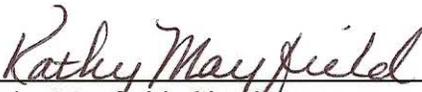
Section 19. **Severability.** In the event any clause phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstances shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, 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 20 day of AUGUST, 2003.



J. Michael Dinges, Mayor

ATTEST:



Kathy Mayfield, City Secretary

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

ORDINANCE NO. 03-900

AN ORDINANCE APPROVING AND ADOPTING THE CITY OF FULSHEAR, TEXAS, GENERAL BUDGET FOR THE FISCAL YEAR 2004; 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 2003-2004 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 10th day of September 2003, 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 2003-2004."
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 17th day of September 2003.



J. Michael Dinges
Mayor

ATTEST:



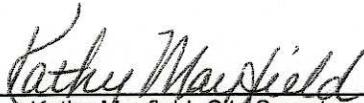
Kathy Mayfield
City Secretary

JOHN SMART- AYE
BILL ARCHER- AYE
OWEN BEMENT- AYE
COLICE WATTS-AYE
JB COLLINS JR-AYE

**The Original General Budget for the City of Fulshear, Texas
for the Fiscal Year 2003-2004**

FUND: GENERAL FUND

	2002 ACTUAL	2003 BUDGET	2003 ANTICIPATED	2004 BUDGET
<u>Revenue</u>				
Administration	\$ 310,846.29	\$ 293,563.00	\$ 304,138.25	294,646.00
Municipal Court	\$ 8,552.58	\$ 12,900.00	\$ 3,247.86	3,600.00
Total Revenue	\$ 319,398.87	\$ 306,463.00	\$ 307,386.11	298,246.00
<u>Expenses</u>				
Administration	\$ 131,609.76	\$ 204,958.00	\$ 141,418.46	175,154.00
Municipal Court	\$ 8,897.14	\$ 10,650.00	\$ 10,092.96	11,324.00
Sheriff's Department	\$ 2,846.29	\$ 7,440.00	\$ 4,851.27	3,640.00
Streets	\$ 42,096.79	\$ 270,200.00	\$ 241,284.39	139,000.00
Total Expenses	\$ 185,449.98	\$ 493,248.00	\$ 397,647.08	329,118.00
General Fund Revenue over (under)	\$ 133,948.89	\$ (186,785.00)	\$ (90,260.97)	\$ (30,872.00)
FUND: ENTERPRISE FUND	\$ 10,120.96	\$ (141,625.00)	\$ (12,629.12)	\$ (236,007.00)
Combined Funds Revenue over (under)	\$ 144,069.85	\$ (328,410.00)	\$ (102,890.09)	\$ (266,879.00)


Kathy Mayfield, City Secretary

9-12-03
Date

**The Original General Budget for the City of Fulshear, Texas
for the Fiscal Year 2003-2004**

DEPT: ADMINISTRATION

	2002 ACTUAL	2003 BUDGET	2003 ANTICIPATED	2004 BUDGET
<u>Revenue</u>				
Revenue from Asset Sales	\$ 3,467.50	\$ -	\$ -	\$ -
HL&P Franchise Fee	\$ 41,012.90	\$ 40,000.00	\$ 35,000.00	\$ 40,000.00
Telephone Franchise Fee	\$ 6,302.07	\$ 7,000.00	\$ 7,799.02	\$ 7,000.00
Building Permit/Inspection Fees	\$ 8,642.02	\$ 8,000.00	\$ 7,643.92	\$ 8,000.00
License & Permits (Liquor)	\$ 162.50	\$ 150.00	\$ 290.00	\$ 250.00
Sales and Use Tax	\$ 61,256.50	\$ 60,000.00	\$ 60,761.64	\$ 60,000.00
Mixed Drink Tax	\$ 885.87	\$ 1,000.00	\$ 645.42	\$ 1,000.00
Interest Earned	\$ 25,856.37	\$ 18,000.00	\$ 19,768.86	\$ 11,400.00
Office Rental Fees	\$ 7,950.00	\$ 8,000.00	\$ 10,200.00	\$ 10,200.00
Community Center Rental	\$ 6,851.61	\$ 3,548.00	\$ 11,968.90	\$ 7,000.00
Charges for Services	\$ -	\$ -	\$ -	\$ -
Candidate Filing Fees	\$ 45.00	\$ 75.00	\$ 60.00	\$ 75.00
Property Taxes - Current	\$ 133,893.17	\$ 150,750.00	\$ 138,732.51	\$ 151,227.00
Property Taxes - Delinquent	\$ 9,575.01	\$ 4,000.00	\$ 6,967.00	\$ 4,000.00
Non-Collected taxes	\$ -	\$ (12,060.00)	\$ -	\$ (12,106.00)
Property Taxes - Penalty & Int.	\$ 3,884.07	\$ 4,000.00	\$ 3,800.98	\$ 4,000.00
Other Revenue	\$ 1,061.70	\$ 500.00	\$ -	\$ 500.00
Sign Permit Fees	\$ -	\$ 600.00	\$ 500.00	\$ 600.00
Electrical Licenses	\$ -	\$ -	\$ -	\$ 1,500.00
Vendor Permits				
Total Revenue	\$ 310,846.29	\$ 293,563.00	\$ 304,138.25	294,646.00
<u>Expenses</u>				
Salaries	\$ 58,426.38	\$ 65,000.00	\$ 61,668.64	\$ 71,000.00
Allocation - Salaries - Muni Court (5%)	\$ (2,921.32)	\$ (3,250.00)	\$ (3,083.43)	\$ (3,550.00)
Allocation - Salaries - Enterprise (15%)	\$ (8,763.96)	\$ (9,750.00)	\$ (9,250.30)	\$ (10,650.00)
Payroll Taxes	\$ 4,454.76	\$ 5,200.00	\$ 4,686.81	\$ 5,680.00
Allocation - Payroll Tax - Muni Court (5%)	\$ (222.74)	\$ (260.00)	\$ (234.34)	\$ (284.00)
Allocation - Payroll Tax - Enterprise (15%)	\$ (668.21)	\$ (780.00)	\$ (703.02)	\$ (852.00)
Employee Health & Life Insurance	\$ 7,255.27	\$ 7,900.00	\$ 8,012.96	\$ 8,100.00
Legal Fees	\$ 16,254.50	\$ 18,000.00	\$ 8,380.00	\$ 12,000.00
Insurance	\$ 5,681.75	\$ 6,700.00	\$ 5,258.00	\$ 6,700.00
Allocation - Insurance - Muni Court (5%)	\$ (284.09)	\$ (335.00)	\$ (262.90)	\$ (335.00)
Allocation - Insurance - Enterprise (15%)	\$ (852.26)	\$ (1,005.00)	\$ (788.70)	\$ (1,005.00)
Insurance - Deductible	\$ 2,000.00	\$ 1,000.00	\$ -	\$ 1,000.00
Publication of Notices	\$ 396.85	\$ 500.00	\$ 138.60	\$ 500.00
Professional Services	\$ 10,150.00	\$ 7,000.00	\$ 8,750.00	\$ 10,000.00
Allocation - Prof.Services - Muni Court (5%)	\$ (507.50)	\$ (350.00)	\$ (437.50)	\$ (500.00)
Contract Labor	\$ 1,825.65	\$ 2,500.00	\$ -	\$ 10,000.00
Dues & Subscriptions	\$ 2,120.29	\$ 900.00	\$ 2,600.00	\$ 2,600.00
School & Certification	\$ 439.39	\$ 1,000.00	\$ 22.00	\$ 1,000.00
Fire School	\$ -	\$ -	\$ -	\$ 1,200.00
Engineering Services	\$ -	\$ 1,000.00	\$ -	\$ 1,000.00
Travel & Meal Expenses	\$ 133.50	\$ 1,000.00	\$ -	\$ 1,000.00
Expense Allowance - Mayor	\$ 2,400.00	\$ 2,400.00	\$ 2,400.00	\$ 2,400.00

Building Repair & Maintenance	\$	7,068.95	\$	50,000.00	\$	24,672.73	\$	10,000.00
Allocation - Bldg R/M - Sheriff's Dept (10%)	\$	(621.11)	\$	(5,000.00)	\$	(2,467.27)	\$	(1,000.00)
City Hall / Comm. Ctr Cleaning	\$	-	\$	5,400.00	\$	2,048.76	\$	3,500.00
Utilities	\$	10,620.27	\$	12,000.00	\$	12,537.64	\$	14,000.00
Allocation - Utilities - Muni Court (10%)	\$	(1,062.02)	\$	(1,200.00)	\$	(1,253.76)	\$	(1,400.00)
Allocation - Utilities - Sheriff's Dept (10%)	\$	(1,062.02)	\$	(1,200.00)	\$	(1,253.76)	\$	(1,400.00)
Telephone	\$	5,815.81	\$	6,200.00	\$	5,651.20	\$	6,200.00
Allocation - Telephone - Muni Court (5%)	\$	(290.79)	\$	(310.00)	\$	(282.56)	\$	(310.00)
Allocation - Telephone - Sheriff's Dept (20%)	\$	(1,163.16)	\$	(1,240.00)	\$	(1,130.24)	\$	(1,240.00)
Awards & Condolences	\$	102.84	\$	200.00	\$	250.90	\$	200.00
Office Supplies	\$	1,999.19	\$	2,200.00	\$	498.12	\$	2,200.00
Postage	\$	422.91	\$	250.00	\$	-	\$	250.00
Printing	\$	999.62	\$	1,500.00	\$	929.56	\$	1,500.00
Equipment Repair & Supplies	\$	892.08	\$	2,000.00	\$	1,022.00	\$	2,000.00
Capital Outlay	\$	-	\$	-	\$	-	\$	-
Capital Outlay - Smart Park	\$	4,000.00	\$	3,000.00	\$	2,063.32	\$	500.00
Capital Outlay - Comm C Park	\$	-	\$	-	\$	-	\$	-
City Planning	\$	6,058.93	\$	20,000.00	\$	7,805.00	\$	10,000.00
Building Inspector	\$	510.00	\$	2,000.00	\$	3,140.00	\$	3,150.00
Metro Beautification	\$	-	\$	-	\$	-	\$	10,000.00
Contingency	\$	-	\$	4,788.00	\$	30.00	\$	-
Total Expenditure	\$	131,609.76	\$	204,958.00	\$	141,418.46	\$	175,154.00
Excess Revenue over (under)	\$	179,236.53	\$	88,605.00	\$	162,719.79	\$	119,492.00

**The Original General Budget for the City of Fulshear, Texas
for the Fiscal Year 2003-2004**

DEPT: MUNICIPAL COURT

	2002 ACTUAL	2003 BUDGET	2003 ANTICIPATED	2004 BUDGET
<u>Revenue</u>				
Fines & Def. Disp. Fees	\$ 7,735.64	\$ 11,000.00	\$ 3,489.76	\$ 4,000.00
Other Revenue	\$ 1,818.62	\$ 2,750.00	\$ 938.98	\$ 1,000.00
Less: Percentage to State	\$ (1,001.68)	\$ (850.00)	\$ (1,180.88)	\$ (1,400.00)
Total Revenue	\$ 8,552.58	\$ 12,900.00	3,247.86	3,600.00
<u>Expenses</u>				
Salaries	\$ -	\$ -	\$ -	\$ -
Allocation - Admin - Salaries	\$ 2,921.32	\$ 3,250.00	\$ 3,083.43	\$ 3,550.00
Payroll Taxes	\$ -	\$ -	\$ -	\$ -
Allocation - Admin - Payroll Taxes	\$ 222.74	\$ 260.00	\$ 234.34	\$ 284.00
Employee Benefits	\$ -	\$ -	\$ -	\$ -
Judge's Fee	\$ 1,800.00	\$ 1,800.00	\$ 2,250.00	\$ 2,250.00
Alternate Judge's Fee	\$ -	\$ -	\$ -	\$ -
Allocation - Admin - Utilities	\$ 1,062.02	\$ 1,200.00	\$ 1,253.76	\$ 1,400.00
Allocation - Admin - Insurance	\$ 284.09	\$ 335.00	\$ 262.90	\$ 335.00
Juror's Fee	\$ -	\$ -	\$ -	\$ -
Contract Services	\$ 1,613.92	\$ 2,750.00	\$ 803.00	\$ 1,000.00
Allocation - Admin - Prof. Services	\$ 507.50	\$ 350.00	\$ 437.50	\$ 500.00
Dues & Subscription	\$ -	\$ -	\$ -	\$ -
School & Certification	\$ -	\$ -	\$ 95.73	\$ 100.00
Travel & Meal Expenses	\$ 50.76	\$ 150.00	\$ -	\$ 150.00
Board of Prisoners	\$ -	\$ -	\$ -	\$ -
Refunds & Overpayments	\$ -	\$ -	\$ -	\$ -
Office Supplies	\$ -	\$ -	\$ -	\$ -
Postage	\$ -	\$ 100.00	\$ -	\$ 100.00
Printing	\$ -	\$ -	\$ -	\$ -
Equipment Repair & Supplies	\$ -	\$ -	\$ -	\$ -
Paging Service	\$ 144.00	\$ 145.00	\$ 189.74	\$ 145.00
Allocation - Admin - Telephone	\$ 290.79	\$ 310.00	\$ 282.56	\$ 310.00
Capital Outlay	\$ -	\$ -	\$ -	\$ -
Legal Fees	\$ -	\$ -	\$ 1,200.00	\$ 1,200.00
Total Expenses	\$ 8,897.14	\$ 10,650.00	\$ 10,092.96	\$ 11,324.00
Excess Revenue Over (Under)	\$ (344.56)	\$ 2,250.00	\$ (6,845.10)	\$ (7,724.00)

**The Original General Budget for the City of Fulshear, Texas
for the Fiscal Year 2003-2004**

DEPT: STREET DEPARTMENT

	2002 ACTUAL	2003 BUDGET	2003 ANTICIPATED	2004 BUDGET
<u>Expenses</u>				
Hourly Wages	\$ 10,140.00	\$ 12,000.00	\$ 10,389.60	\$ 12,000.00
Payroll Taxes	\$ 814.43	\$ 1,000.00	\$ 862.29	\$ 1,000.00
Contract Labor	\$ 4,382.62	\$ 10,000.00	\$ 5,324.02	\$ 10,000.00
Contract Service	\$ 10,000.00	\$ 14,000.00	\$ 12,000.00	\$ 14,000.00
Street Lamps	\$ 3,772.94	\$ 3,800.00	\$ 3,760.34	\$ 3,800.00
Tractor / Equipment / Supplies	\$ 1,922.09	\$ 8,800.00	\$ 4,249.14	\$ 5,000.00
Truck	\$ 670.47	\$ 15,000.00	\$ 1,500.00	\$ 2,000.00
Paging Service	\$ -	\$ -	\$ -	\$ -
Street Repair**	\$ 9,442.24	\$ 200,000.00	\$ 200,000.00	\$ 40,000.00
Capital Outlay	\$ -	\$ -	\$ -	\$ -
Refuse Hauling	\$ -	\$ -	\$ -	\$ -
Budget Contingency	\$ -	\$ -	\$ -	\$ -
Engineering Fees	\$ 502.00	\$ 2,000.00	\$ 2,000.00	\$ -
Sign Ordinance Fees	\$ 450.00	\$ 3,600.00	\$ 1,199.00	\$ 1,200.00
Public Works Barn	\$ -	\$ -	\$ -	\$ 50,000.00
Total Expenses	\$ 42,096.79	\$ 270,200.00	241,284.39	139,000.00

**To be increased to \$240,000.00 in the 2004 Budget if the Street Repairs for Bois D'Arc & Fulshear-Katy Roads are not performed in 2003.

**The Original General Budget for the City of Fulshear, Texas
for the Fiscal Year 2003-2004**

DEPT: SHERIFF'S DEPART.

	2002 ACTUAL	2003 BUDGET	2003 ANTICIPATED	2004 BUDGET
<u>Expenses</u>				
Allocation - Admin Salaries	\$ -	\$ -	\$ -	\$ -
Allocation - Admin Payroll Tax	\$ -	\$ -	\$ -	\$ -
Allocation - Admin Insurance	\$ -	\$ -	\$ -	\$ -
Allocation - Admin - Utilities	\$ 1,062.02	\$ 1,200.00	\$ 1,253.76	\$ 1,400.00
Allocation - Admin - Telephone	\$ 1,163.16	\$ 1,240.00	\$ 1,130.24	\$ 1,240.00
Allocation - Admin - Repair/Maint	\$ 621.11	\$ 5,000.00	\$ 2,467.27	\$ 1,000.00
Allocation - Admin - Off. Supplies	\$ -	\$ -	\$ -	\$ -
Total Expenses	\$ 2,846.29	\$ 7,440.00	\$ 4,851.27	\$ 3,640.00

**The Original General Budget for the City of Fulshear, Texas
for the Fiscal Year 2003-2004**

DEPT: ENTERPRISE FUND

	2002 ACTUAL	2003 BUDGET	2003 ANTICIPATED	2004 BUDGET
<u>Revenue</u>				
Water/Sewer Charges	\$ 62,907.74	\$ 65,000.00	\$ 61,195.90	\$ 63,000.00
Solid Waste Collection	\$ 26,700.00	\$ 28,700.00	\$ 26,336.20	\$ 26,700.00
Interest From NOW Accounts	\$ 690.56	\$ 600.00	\$ 903.96	\$ 600.00
Sewer Tap Fees	\$ 1,025.00	\$ 2,000.00	\$ 1,000.00	\$ 2,000.00
Water Meter & Tap Fees	\$ 1,885.00	\$ 1,000.00	\$ 920.00	\$ 1,000.00
Sewer Inspection Fees	\$ -	\$ 60.00	\$ -	\$ -
Water Inspection Fees	\$ -	\$ 200.00	\$ -	\$ -
Revenue from Asset Sales	\$ -	\$ -	\$ -	\$ -
Other Revenue	\$ -	\$ 250.00	\$ -	\$ -
Transfer from General Fund	\$ -	\$ -	\$ -	\$ -
Total Revenue	\$ 93,208.30	\$ 97,810.00	\$ 90,356.06	93,300.00
<u>Expenses</u>				
Salaries - Allocation - Adm.	\$ -	\$ -	\$ -	\$ -
Allocation - Adm. Salaries	\$ 8,763.96	\$ 9,750.00	\$ 9,250.30	\$ 10,650.00
Payroll Taxes	\$ -	\$ -	\$ -	\$ -
Allocation - Adm. Payroll Taxes	\$ 668.21	\$ 780.00	\$ 703.02	\$ 852.00
Legal Charges	\$ -	\$ -	\$ -	\$ -
Allocation - Adm Insurance	\$ 852.26	\$ 1,005.00	\$ 788.70	\$ 1,005.00
Publication of Notices	\$ -	\$ 100.00	\$ -	\$ 100.00
Contractual Services	\$ 13,348.50	\$ 15,000.00	\$ 11,747.00	\$ 15,000.00
Solid Waste Service	\$ 26,700.00	\$ 26,700.00	\$ 26,700.00	\$ 26,700.00
Engineering Service	\$ -	\$ 300.00	\$ -	\$ 300.00
Sludge Haul Service	\$ 7,608.85	\$ 8,500.00	\$ 9,130.82	\$ 8,500.00
Permit Fees	\$ 1,864.12	\$ 2,400.00	\$ 800.00	\$ 2,400.00
Capital Contingency	\$ -	\$ -	\$ -	\$ -
Heat, Light & Power	\$ 12,024.64	\$ 15,000.00	\$ 9,841.68	\$ 15,000.00
Plant Repairs & Maintenance	\$ 4,849.65	\$ 5,000.00	\$ 4,790.00	\$ 6,000.00
General Supplies	\$ 3,439.13	\$ 4,000.00	\$ 3,382.26	\$ 4,000.00
Office Supplies	\$ -	\$ 300.00	\$ -	\$ 300.00
Postage	\$ 1,526.37	\$ 1,500.00	\$ 851.40	\$ 1,500.00
Depreciation	\$ -	\$ -	\$ -	\$ -
Capital Outlay	\$ -	\$ -	\$ -	\$ -
Capital to Capital Projects	\$ -	\$ 43,100.00	\$ -	\$ 47,000.00
Sewer & Water Extentions **	\$ -	\$ 64,000.00	\$ 25,000.00	\$ 150,000.00
Emergency Generators	\$ -	\$ 40,000.00	\$ -	\$ 40,000.00
Sales Tax	\$ 1,441.65	\$ 2,000.00	\$ -	\$ -
Total Expenses	\$ 83,087.34	\$ 239,435.00	\$ 102,985.18	329,307.00
Excess Revenue over (under)	\$ 10,120.96	\$ (141,625.00)	\$ (12,629.12)	\$ (236,007.00)

**Water Extention is from Bois D'Arc Lane to approximately Walker Lane with 6 fire hydrants

The Original General Budget for the City of Fulshear, Texas

for the Fiscal Year 2003-2004

FUND: CAPITAL PROJECTS FUND

	2002 BUDGET	2002 ACTUAL	2003 BUDGET	2003 ANTICIPATED	2004 BUDGET
Sewer Plant Grant	\$ 366,900.00	\$ -	\$ 366,900.00	\$ 29,250.00	\$ 337,650.00
Transfer from Enterprise Fund - Sewer Grant	\$ 43,100.00	\$ -	\$ 43,100.00	\$ -	\$ 43,100.00
Transfer from General Fund - Smart Park	\$ 5,000.00	\$ 4,000.00	\$ -	\$ -	\$ -
Transfer from Enterprise Fund - Water Under FM 1093	\$ -	\$ -	\$ 16,000.00	\$ 25,000.00	\$ -
Transfer from Enterprise Fund - Water down Bois D'Arc	\$ -	\$ -	\$ -	\$ -	\$ 150,000.00
Dixon Sewer Extension Grant	\$ -	\$ -	\$ -	\$ -	\$ 34,100.00
Transfer from Enterprise Fund - Dixon Sewer Extension	\$ -	\$ -	\$ -	\$ -	\$ 3,900.00
TOTAL REVENUE	\$ 415,000.00	\$ 4,000.00	\$ 426,000.00	\$ 54,250.00	\$ 568,750.00

EXPENSES

Construction - Sewer Plant	\$ 336,000.00	\$ -	\$ 336,000.00	\$ -	\$ 336,000.00
Engineering/Inspections - Sewer Plant	\$ 40,400.00	\$ -	\$ 40,400.00	\$ 29,250.00	\$ 11,150.00
Contingencies - Sewer Plant	\$ 33,600.00	\$ -	\$ 33,600.00	\$ -	\$ 33,600.00
Construction - Smart Park	\$ 5,000.00	\$ 4,000.00	\$ -	\$ -	\$ -
Construction - Water Ext. Under FM1093	\$ -	\$ -	\$ 16,000.00	\$ 25,000.00	\$ -
Construction - Water Ext. Down Bois D'Arc Lane	\$ -	\$ -	\$ -	\$ -	\$ 150,000.00
Construction - Dixon Sewer Extension	\$ -	\$ -	\$ -	\$ -	\$ 30,200.00
Engineering/Inspections - Dixon Sewer Ext.	\$ -	\$ -	\$ -	\$ -	\$ 4,780.00
Contingencies - Dixon Sewer Extension	\$ -	\$ -	\$ -	\$ -	\$ 3,020.00

TOTAL EXPENSES	\$ 415,000.00	\$ 4,000.00	\$ 426,000.00	\$ 54,250.00	\$ 568,750.00
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ORDINANCE NO. 03-901

AN ORDINANCE OF THE CITY OF FULSHEAR, TEXAS, PROVIDING FOR PERMITTING OF ELECTRICAL WORK WITHIN THE CITY; PROVIDING CONDITIONS FOR THE ISSUANCE OF PERMITS; PROVIDING IT TO BE UNLAWFUL FOR ANY PERSON TO OPERATE AS AN ELECTRICIAN WITHIN THE CITY WITHOUT HAVING FIRST OBTAINED AN ELECTRICIAN'S LICENSE THEREFOR; PROVIDING FOR OTHER MATTERS RELATED TO THE SUBJECT; PROVIDING A PENALTY OF AN AMOUNT NOT TO EXCEED \$2,000 FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF; AND PROVIDING FOR SEVERABILITY.

* * * * *

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

Section 1. Definitions. The following words, terms, and phrases, when used in this ordinance, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Conviction shall mean a final determination of guilt or the forfeiture of bail, recognizance or appeal bond.

Electrical Inspector shall mean the city electrical inspector or his duly authorized deputies.

Electrical Work shall mean all materials, devices, appliances, machinery and equipment used in connection with the production, transmission or consumption of electrical energy, together with installing, maintaining or repairing such materials, devices, appliances, machinery and equipment.

Journeyman Electrician shall mean a person licensed as a journeyman electrician in compliance with the requirements of this ordinance, employed by contractors and working under the supervision of a licensed master electrician to install, repair, alter and maintain electrical appliances, wiring, apparatus, devices, fixtures or equipment, for which a permit is required under the terms and conditions of this ordinance.

Master Electrician shall mean a person licensed as a master electrician in compliance with the requirements of this ordinance, skilled and engaged in the planning, supervision, installation or repairing, or contracting to install or repair wires, conductors and equipment used within or on buildings for the transmission of electrical current for electric light, heat, power or signaling purposes, together with the fitting for such equipment necessary for the protection of such equipment, and who has been licensed in the manner provided by this ordinance.

Safe Condition, as applied to electrical installations and equipment, shall mean installations and/or equipment which, in the opinion of the electrical inspector, can be used in service for which such installations or equipment are intended or likely to be used with minimum hazard to life, limb or property, thus being installations and equipment reasonably safe to persons and property.

Section 2. Purpose of Ordinance. The object of this ordinance is to reduce personal hazards and fire hazards from electrical causes. To accomplish this, the requirements set forth in this ordinance are intended to provide a minimum standard for electrical work in the City.

Section 3. Scope of Ordinance. The provisions of this ordinance shall apply to all electrical work within or on public and private buildings and premises located within the incorporated boundaries of the City.

Section 4. Liability. This ordinance shall not be construed to relieve from or lessen the responsibility of any person installing, operating or controlling any electrical wiring or electrical apparatus for damages to anyone thereby, or for full and faithful performance of the contract, nor shall the City be held as assuming any liability by reason of the inspection or reinspection authorized in this ordinance or certificate or permit issued pursuant to the provisions of this ordinance, nor shall either the electrical inspector or the City be held as assuming any liability by reason of the inspection or reinspection authorized by this ordinance or the certificates of conformance or nonconformance issued as provided in this ordinance or by reason of the approval or disapproval of any equipment authorized in this ordinance.

Section 5. Adoption of Code; Compliance Required; Conflicts; Service Requirements.

(a) Any and all electrical work placed in or on any building or structure within the corporate boundaries of the City shall be installed in conformity with the regulations and standards set forth in the 2000 edition of the International Electrical Code, which is hereby adopted, and a copy of which is on file in the City Secretary's office; other applicable ordinances of the City; and statutes and administrative rules and regulations of the state agencies thereof.

(b) Where local rules and regulations are set forth in this ordinance, they shall take preference over any rules conflicting therewith. Minimum service requirements shall be as required by the serving utility companies.

Section 6. Electrical Installations. All electrical work as covered by this ordinance shall be installed in a neat and workmanlike manner with materials of such kind, quality and capacity as will maintain satisfactory and economical service to both the serving and consuming parties.

Section 7. Firefighting Hazards. No wire or other electrical apparatus shall be installed, operated or maintained over any street, alley, sidewalk or building which may be

reasonably calculated to interfere seriously with the work of the fire department in the use of ladders or other apparatus, or which shall obstruct or render hazardous the use of fire escapes.

Section 8. **Construction Board of Adjustment and Appeals.** The construction board of adjustment and appeals, as specified in section 112 of the International Building Code, shall be utilized for the regulation and examination of electricians within the City.

Section 9. **Appeal of Decisions by Electrical Inspector.**

(a) Any person aggrieved by a decision or ruling of the electrical inspector shall have the right of appeal to the construction board of adjustment and appeals for its review. Such appeal shall be perfected by a request in writing to the chairman of the board for a hearing, in which the following information shall be contained:

- (1) Name and address of the person making the appeal;
- (2) Facts surrounding the particular ruling or refusal to make a ruling;
- (3) The ruling, if any, of the electrical inspector;
- (4) Reasons why such ruling should be set aside, or if a ruling was refused, why such ruling should be made.

(b) During the pendency of any appeal to the construction board of adjustment and appeals, the ruling of the electrical inspector shall be in full force and effect.

Section 10. **Creation of Office of Electrical Inspector; Qualifications.**

There is hereby created the office of electrical inspector of the City. The person chosen to fill the office of electrical inspector shall be of good moral character, shall be competent and well versed in the rules and regulations of the International Electrical Code, of such statutes of the state as are applicable, and the terms of this ordinance; shall be possessed of such executive ability as is requisite for the performance of his duties; shall have a thorough knowledge of the standard materials and methods used in the installation of electrical equipment; shall be well versed in approved methods of construction for safety to persons and property; and shall have had at least five years' experience as an electrical inspector or assistant electrical inspector and/or as a journeyman or master electrician in the installation of electrical equipment; or in lieu of such experience, shall be a graduate in electrical or mechanical engineering of a recognized college or university and shall have had at least two years' practical experience.

Section 11. **Responsibility for Inspection and Fees.** It shall be the duty of the electrical inspector to enforce the provisions of this ordinance. He shall, upon application by electricians licensed by the City, collect and account for the fees and deposits fixed and provided for in this ordinance, and shall make inspections of electrical installations and perform such other acts and duties as are provided for in this ordinance.

Section 12. Records.

(a) The electrical inspector shall keep complete records of all permits issued, inspections and reinspections made, and other official work performed in accordance with the provisions of this ordinance and shall keep a record of all condemnations of electrical installations. The electrical inspector shall file every application for a license received by him, and shall maintain suitable indices containing:

- (1) All applications denied, and on each report thereof note the reason for such denial;
- (2) All applications granted; and
- (3) The name of every licensee whose license has been suspended or revoked, and after each name note the reason for such action.

(b) The electrical inspector shall file the abstracts of court records of convictions and in connection therewith shall maintain convenient records or make suitable notations in order that an individual record of a licensee, showing the convictions or other records of such licensee, shall be readily ascertainable and available for the consideration of the electrical board upon any application for renewal of license and at other suitable times. The electrical inspector shall, furthermore, keep on file a list of electrical equipment inspected and certified by Underwriters Laboratories, Inc., which list shall be accessible for public reference during office hours.

Section 13. Appointment of Assistants. The electrical inspector is empowered to appoint such assistants as are necessary for the proper conduct of his office and the inspection of electrical work as provided for in this ordinance, subject to approval by the City Council. Salaries of any such assistants shall be determined by the City Council.

Section 14. Removal from Office. The City Council may remove from office the electrical inspector or any of his assistants at any time, with or without cause.

Section 15. Liability of Inspector and Assistants. Neither the electrical inspector nor any of his assistants shall, when acting in good faith and without malice, be liable for damages arising by reason of duties performed under the provisions of this ordinance.

Section 16. Authority.

(a) **Inspections.** The electrical inspector shall have the right during reasonable hours to enter any building or premises in the discharge of his official duties, or for the purpose of making any inspection, reinspection or test of electrical equipment contained therein, or its installation.

(b) **Interference Unlawful.** It shall be unlawful for any person to interfere with the electrical inspector in the discharge of his duties, or to prevent or in any manner attempt to prevent him from carrying out the provisions of this ordinance.

(c) **Right to Remove Obstructions.** The electrical inspector shall have the right to remove or compel the removal of any obstruction such as lath, plastering, ceiling or flooring which may hinder a full and complete investigation of such wires or apparatus as the inspector may deem necessary to inspect.

(d) **Condemnation of Conductors.** The electrical inspector may remove or compel the removal of any conductors which are enclosed in conduit or are otherwise inaccessible for complete inspection. When such conductors are not in accordance with the requirements of this ordinance or the International Electrical Code, or are found to be otherwise unsafe to life or property, the electrical inspector shall have the right to condemn, disconnect and cause the owner of such conductor or material to immediately correct such conductor or have it removed.

Section 17. Notice to Comply. Where any electrical work is found by the electrical inspector to be dangerous to persons or property, the person owning, using or operating such electrical work shall be notified in writing to make any changes or repairs which are required to make such electrical work in safe condition, and if such required work is not completed within five working days, or as soon as specified by the electrical inspector, the inspector shall have the authority to disconnect or cause to be disconnected all electrical equipment of installations and/or the premises in or upon which such equipment is located. Any person failing or refusing to repair or remove such equipment within the specified time, after the receipt of such notice, shall be subject to the penalty provided in this ordinance. Each day that such electrical work shall remain not repaired, removed or changed as required by the electrical inspector shall be considered a separate offense within the intent and meaning of this ordinance.

Section 18. Stop Work Notice. The electrical inspector shall cause the cessation of any electrical work being done in any manner which violates the provisions of this ordinance, and he shall cause the discontinuance of maintenance or operations, or the use of materials, which violate the provisions of this ordinance; and upon determining that particular work should cease, the inspector shall post a notice to that effect on the premises and thereafter no person shall proceed with electrical work until the inspector has cancelled the stop work notice. The electrical inspector may attach to electrical work or electrical meters any notice or seal to prevent the use of electricity; and it shall be unlawful for any person to use any seal or break, change, destroy, tear, mutilate, cover, or otherwise deface or injure any such official notice or seal posted by the electrical inspector.

Section 19. Authority to Disconnect. In case of an emergency, where necessary for the safety of persons or property, or where electrical equipment may interfere with the work of the fire department, the electrical inspector shall have the authority to immediately disconnect or cause the immediate disconnection of any electrical equipment, and without notice to anyone.

Section 20. Change of Occupancy, Compliance Required. The electrical inspector shall be empowered to order compliance with the provisions of this ordinance where a change of occupancy occurs within a building which requires changes or alteration to existing wiring.

Section 21. Special Rulings. The electrical inspector shall make all decisions pertaining to the installation, repair or other alteration of all electrical wiring, devices and equipment provided for in this ordinance, such decisions to be made after taking into consideration the International Electrical Code, such statutes of the state as are applicable to such decisions, the provisions of this ordinance, and in light of the standards generally recognized by the electrical trade concerning the safe and proper installation of electrical work. All special rulings shall be reduced to writing and kept on file in the office of the inspector.

Section 22. Appeals. Any person aggrieved by a decision of the electrical inspector shall have such right of appeal as is provided in Section 9 of this ordinance.

Section 23. Permits Required.

(a) No person shall undertake or complete any electrical installation or install, erect or alter any electrical work in or on any building or premises in the city without first securing a permit therefor from the office of the electrical inspector. No permit shall be issued for electrical work except that which is authorized under this ordinance.

(b) In cases where licenses, permits, fees and bonds are required for the installation or repair of electrical work for any purpose, such electrical work shall be installed or repaired in conformity with such provisions of this ordinance as are applicable.

Section 24. Who May Obtain Permit.

(a) Except as otherwise specifically provided in this ordinance, no permit shall be issued to any person who is not the holder of a valid unexpired master electrician's license. A master electrician who is employed as a master electrician for a person shall take out electrical permits only for that person and shall supervise, direct and control the electrical work for which the electrical permit is obtained. A master electrician who is engaged in the electrical business for himself shall take out electrical permits for his business only and no electrical permits shall be taken out by any master electrician who does not supervise, direct and control the electrical work for which the permit is obtained. Each master electrician may appoint not more than two of his full-time employees to act as his agents in obtaining permits by filing with the electrical inspector an affidavit sworn to before an officer authorized to administer oaths, stating the name and address of each such agent, that each agent is a regular and full-time employee under the supervision of such master electrician, and that such master electrician assumes all and full responsibility for any permit taken out or applied for by any such agent. Such affidavit shall be permanently filed by the electrical inspector, but this provision is intended only as a convenience to master electricians in handling ordinary electrical work and shall never be construed as making the delivery of a permit to any agent mandatory upon the electrical inspector.

(b) A person performing repairs and maintenance work with his own hands in a dwelling owned by him and registered in the city tax rolls as his homestead may be issued a permit to do electrical work on his homestead.

Section 25. Application for Permit. Applications for permits required by this ordinance must be made in writing by the person employed to do the work, or his authorized

agent as provided in Section 24 of this ordinance, and will be submitted upon forms provided by the electrical inspector for that purpose. Such application shall contain:

- (1) Date application is submitted;
- (2) Name of owner and name of person employed to do the work;
- (3) Name of person actually presenting application to the electrical inspector;
- (4) Exact location of the property where work is to be done;
- (5) A fee, appropriate to the number and kinds of installations to be made in the amount specified in the schedule contained in Section 26 of this ordinance;
- (6) A description of the work to be performed. Where deemed necessary by the electrical inspector to accomplish the objectives of this ordinance, applications shall be accompanied by as many copies of specifications, plans and a complete feeder layout drawn to scale and in detail to show the nature and character of the work to be performed as the inspector may deem necessary. The plan or diagram shall show the manner in which the electrical installation is to be made or the character of any of the repairs to existing electrical installations. When such plans, specifications and layout are demanded, it shall be a violation of this ordinance for any person to install any part of the electrical work concerned until the electrical inspector approves such installations; and
- (7) Other such pertinent information as may be required by the electrical inspector.

Section 26. Schedule of Fees. Before any permit will be granted for the installation or alteration of electrical work, the licensed electrician making application for such permit shall pay to the electrical inspector the fees in such amount as established by resolution of the City Council.

Section 27. Issuance of Permit. When the electrical inspector finds the application to be correct, and the plans and diagram or specifications are approved and the required fees have been paid, he shall cause the permit to be issued. Upon receipt of such permit, the electrician may start the proposed job and make the installation described in his application, requesting inspection by the inspector in the proper sequence as the work progresses.

Section 28. Insurance Requirements. No master electrician shall be issued a permit until the applicant shall have arranged to carry the following insurance coverages:

- (1) Worker's compensation insurance on each and every one of his employees, and this insurance shall be in accordance with the state worker's compensation act.
- (2) Public liability insurance to the extent of \$300,000.00 for any one accident, and \$100,000.00 for any one person.

(3) Property damage insurance to the extent of \$100,000.00 for any one accident, and \$100,000.00 for any piece of property.

The insurance required by this section shall be written by an accredited company under the supervision of the state board of insurance commissioners. Evidence of compliance with such required insurance shall be considered as having been met when the policy, a copy thereof, or a certificate of insurance has been filed with the electrical inspector. Such policy shall include an endorsement thereon that the inspector will be notified at least ten days in advance in the event the policy or policies are cancelled or expire before the expiration date of the electrician's license involved.

Section 29. Unspecified Work Not Authorized. No permit shall be deemed to authorize anything not stated in the application, and for any misrepresentation in such application the permit shall be suspended; and if such misrepresentation appears to be willful, the permit shall be revoked.

Section 30. Terms of Permit. If the work authorized by a permit is not begun within 90 days from the date thereof, such permit shall thereupon and thereafter be null and void; and before doing any further work at the location designated in such permit, a new permit must be obtained in like manner as the first, and only upon payment of such fees and deposits as are specified in this ordinance. The permit shall be valid for 12 months. However, the electrical inspector may extend the initiation or expiration date where he finds that extraordinary circumstances beyond the control of the permit holder have made it impossible to initiate or complete the work before the original date.

Section 31. Temporary Work. When a permit to install work of a temporary character for a time to be specified in such permit, and not in any case to exceed 60 days, shall have been issued by the electrical inspector, a strict compliance with the rules in this division for permanent work will not be exacted; provided, that the character of the work is entirely safe for the period designated in the permit. No temporary work or alterations shall be allowed in live circuits unless protected by the proper over current device.

Section 32. Emergency Work. In case of an emergency necessitating the immediate new wiring or repairs to electrical wiring at a time when the office of the electrical inspector is closed so that a permit cannot be obtained, such permit shall thereafter be issued by the inspector if written application shall be made therefor during the next succeeding day that such office shall be open.

Section 33. Permits for Partial Jobs. When one electrician completes the rough work, in whole or in part, on any electrical wiring or installation of fixtures or equipment and a second electrician is called upon to complete the work in whole or in part, then, in that event, a separate permit is required for which regular fees shall be paid for the work to be done.

Section 34. Separate Permit Required. A separate permit shall be required for each separate building, store space or apartment, whether such unit is metered separately or conjunctively, and a service permit shall be taken on all units, whether supplied from a central metering station or directly from the electrical supply agency. If the permittee does not

complete the electrical work for which the permit has been issued, then the contractor who finished such work shall apply for a new permit on such work. There shall be only one permit issued or outstanding at the same time for any one installation of electrical equipment.

Section 35. Permit Not Transferable. Each permit issued under the terms of this ordinance shall be personal to the permittee and shall not be assigned or transferred to any other person; and, except as otherwise specifically provided in this ordinance, it shall be unlawful:

- (8) For one person to obtain a permit in the name of another person, except as provided in Section 24(a) of this ordinance.
- (9) For one person to do or perform any electrical work under the permit issued to another person.
- (10) For one person to suffer, allow or permit another person to do or perform any electrical work under the permit under such other person's name.

Section 36. Inspector to be Notified. Upon completion of any installation of electrical equipment which has been made under a permit, it shall be the duty of the licensed master electrician, or his duly authorized agent, making the installation to notify the electrical inspector, who shall inspect the installation within 48 hours, exclusive of Saturdays, Sundays and holidays, of the time such notice is given or as soon thereafter as practicable.

Section 37. Certificate of Conformance. Where the electrical inspector finds the installation to conform with the provisions of this ordinance, he shall issue to the licensed master electrician making the installation a notice of conformance, which shall be placed on the equipment or premises, authorizing the use of the installation, and he shall notify the agent supplying the electrical service. This certificate shall not relieve the master electrician of his responsibility for any defective work that may have been concealed or which escaped the notice of the inspector.

Section 38. Temporary Certification. The electrical inspector may give temporary permission to connect and furnish electricity to any wiring, apparatus or fixtures for a period not to exceed 30 days if, in his opinion, such wiring, apparatus or fixtures are in such condition that current may be safely connected therewith and there exists an urgent necessity for such use, when written application is filed with him requesting such permission. When a certificate of approval is issued authorizing the connection and use of a temporary installation, such certificate shall be issued to expire at a time to be stated therein and shall be revocable by the electrical inspector for good cause.

Section 39. Emergency Wiring. Emergency wiring may be permitted by the electrical inspector for a period not to exceed 30 days, at which time such wiring or service must be removed. If service is required for a longer period on large construction jobs only, such service or emergency wiring shall be reinspected and a fee established by resolution of the City Council shall be charged for reinspection each 90 days thereafter. Emergency wiring

permits must be signed both by the master electrician contracting to perform the electrical work and the owner or occupant of the building or premises on which they are installed, stating the period for which emergency wiring is desired and signifying that emergency work will be promptly removed after expiration of the emergency permit issued.

Section 40. Concealed Electrical Work. When any electrical equipment is to be hidden from view by the permanent placement of parts of the building and/or equipment, the licensed master electrician installing the equipment shall notify the electrical inspector, and such equipment shall not be concealed until it has been inspected and approved by the electrical inspector or until 48 hours, exclusive of Saturdays, Sundays and holidays, shall have elapsed from the time of such notification; provided, however, that on large installations where concealment of equipment proceeds continuously, the master electrician installing the electrical equipment shall give the electrical inspector due notice, and inspection shall be made periodically during the progress of the work. It shall be unlawful for any person to conceal or place in operation any electrical equipment which has been disapproved or condemned by the electrical inspector unless and until such equipment has been so repaired or altered that it complies with all provisions of this ordinance and has thereafter been approved by the electrical inspector.

Section 41. Uncovering Concealed Equipment. The electrical inspector shall have the authority to require any person to uncover any wiring or electrical equipment which has been concealed without his knowledge or permission for which inspection is required pursuant to this ordinance.

Section 42. Change of Occupants. The electrical supply agency shall disconnect the electrical service to any building and/or premises, except private residences and duplex apartments, each time such building or premises changes occupants, and it shall not again supply electricity to such building or premises until authorized to do so by the electrical inspector. The owner and/or the new occupants of such buildings and/or premises shall make application to the electrical inspector for an inspection.

Section 43. Partial Inspections. When a master electrician does not have the contract for finishing of electrical work covered by his permit, he shall deliver his final inspection request in writing when his part of the electrical work is completed and must state in writing the part of the electrical work installed by him.

Section 44. When Supply of Electric Current Unlawful. It shall be unlawful for any electrical supply agency operating in the City to furnish current to any new building, tent structure or outdoor wiring of any kind, nature or description without first obtaining a clearance from the electrical inspector stating that such wiring is approved and a permit has been issued for the use of current. Whenever any service is discontinued to any building or structure for any cause whatever (excepting nonpayment of bills), a clearance will be necessary before such building or structure can be reconnected. Any time a building is vacated, the electrical inspector must make certain that there has not been any unauthorized addition made to the wiring of such building that might create a fire hazard or that wiring is in such a condition as to be hazardous.

Section 45. When Restoration of Electrical Service Unlawful. Whenever any electrical service has been disconnected by order of the electrical inspector for reasons of being unsafe to persons or property, such service shall not be restored until a certificate of approval from the electrical inspector has been received by the electrical supply agency.

Section 46. Certificate of Nonconformance. If, upon inspection, an electrical installation is not found to be in full conformity with the provisions of this ordinance, the electrical inspector shall issue a notice of nonconformance and shall notify the licensed master electrician making the installation of the defects which have been found to exist. All defective work shall be corrected and brought into conformity with the provisions of this ordinance before any further electrical work will be permitted within or on the building or premises and before the licensed master electrician making the installation shall be issued any other permits to perform any other electrical work.

Section 47. Fees. No fee shall be charged against the permit holder for the initial inspection; however, when work is found to be incomplete or unsatisfactory after the inspection is requested, a fee established by resolution of the City Council shall be made for each reinspection.

Section 48. Responsibility for Defects. Every person licensed in conformance with this ordinance shall be responsible for any defect in electrical work, insofar as correction thereof is concerned, installed by him until such time as a certificate of conformance and approval has been issued by the electrical inspector, and any and all defects that may have been concealed by such person and discovered by the electrical inspector after a certificate of conformance has been issued approving such work. After the issuance of the certificate of conformance, the person in whose name the electrical work is contracted shall be responsible for all defects caused by such person.

Section 49. Electricians Licenses Required. Except as otherwise provided in this ordinance, no person shall engage in the business of contracting for, installing, altering or repairing any electrical work within the City which is regulated by this ordinance unless such person shall hold a valid, unexpired master electrician's license as specified in this ordinance.

Section 50. Application for Electrician License. Every application for a license as a master electrician, journeyman electrician, or master sign electrician shall be made upon a form furnished by the City's electrical inspector. Every application shall state the name, date of birth, residence and business address of the applicant, a statement of his active and practical experience, and shall state whether the applicant has previously been licensed as a master or other classification of electrician, and, if so, when and by what state, county or city, and whether any such license has ever been suspended or revoked. A master electrician's application shall provide proof of four years of practical experience as a journeyman or licensed electrical engineer. A journeyman electrician's application shall provide proof of four years of electrical experience or the equal amount of time in an electrical trade or secondary school. The license fee, as prescribed by resolution of the City Council, shall accompany each application.

Section 51. Term and Renewal of Electrician License. No license under this ordinance shall be issued for more than a year, and such license may be renewed from year to

year upon application by the holder of such license. All licenses shall expire on December 31 of each year. Licenses shall be renewed before April 1 each year thereafter upon payment of such fees as are established by resolution of the City Council, and made payable to the City of Fulshear; provided, of course, that such license has not been canceled prior thereto.

Section 52. Bond.

(a) No person shall be issued a master electrician's license under this ordinance until such person shall have made, executed and delivered to the electrical inspector a surety in the amount of \$1,000.00, payable to the City. Such surety bond shall be with a recognized and reliable surety company authorized to do business in the state and shall cover compliance with all provisions and requirements of this ordinance and the applicable laws of the state and the City. Such bond shall hold the City free from damage or loss of every nature for acts or neglect of the principal of the bond, its agents or employees; and such bond shall be held for the benefit and use of the City or any person injured or damaged by any act or neglect of the principal or his agents or employees, or by reason of failure to repair any defective work, device or installation, or failure to pay any and all fees or other charges due the City, or for failure to remedy any faults or defective workmanship or material without additional cost to the person for whom the work was done within the time prescribed by the electrical inspector for the completion of such remedial work, and guaranteeing compliance with the requirements of this ordinance for all work installed by the principal, his agents or employees.

(b) All bonds required by this section shall be for a period ending the next ensuing December 31. Suit upon such bond may be maintained by any person injured or damaged by reason of the principal's failure to perform his obligations under such bond. Suspension or revocation of the license of the principal shall not by itself affect the liability of either the principal or the surety on such bond.

(c) Should the coverage of the bond required by this section be reduced by recovery or for any other reason, the surety on such bond shall immediately notify the electrical inspector, and the principal shall be suspended from all rights and privileges under this ordinance until the full amount and coverage are restored.

(d) Upon five days' written notice to the principal of the bond under this section and to the electrical inspector, the surety on such bond shall have the privilege of canceling any such bond. Cancellation of such bond shall not cancel or reduce the surety's liability on any transaction begun before 12:00 noon on the effective date of cancellation.

Section 53. Issuance of Electricians License. Upon the submission of satisfactory proof that an applicant has successfully completed the examination as a master or journeyman electrician for licensing by the City of Houston, the City of Pasadena, or the State of Texas, the electrical inspector, upon payment of such fees and upon fulfillment of such other requirements as are specified in this ordinance, shall issue to each applicant the class of license that such person is qualified to receive under the provisions of this ordinance.

Section 54. Restriction on Work Beyond Scope of License. It shall be unlawful for the holder of any license issued under the provisions of this ordinance to engage in any phase of the electrical business or perform any work in the electrical trade, other than such

business or work authorized by the class of license or permit held by him. The master or journeyman electrician responsible for a project shall be present on the site whenever unlicensed labor is being used to install electrical materials, products, or equipment.

Section 55. **Electricians License Not Transferable.** It shall be unlawful for any person holding a license as an electrician to transfer such license or allow the use of such license, directly or indirectly, by any other person for the purpose of obtaining a permit to do electrical work as specified in this ordinance.

Section 56. **Identity Card.** An identity card shall be carried in person by the licensed electrician while performing electrical work, and the person shall display such card upon demand by any peace officer, the electrical inspector, or by the owner of the premises or property upon which the licensee is working. Each license shall bear a distinguishing number assigned to the licensee, the licensee's full name and a space upon which the licensee shall write his usual signature with pen and ink immediately upon receipt of the license. No license shall be valid until it has been so signed by the licensee.

Section 57. **Notice of Change in Status.** Whenever any person, after applying for and/or receiving an electrician's license, shall move from the address named in such application or in the license issued to him, or when the name of the licensee is changed, or when the employment of such person is changed, he shall immediately notify the electrical inspector in writing of his former name, address, his present name, address and employment, and shall give his license number.

Section 58. **Duplicate Licenses.** If an electrician's license issued under the provisions of this ordinance is lost or destroyed, the person to whom such license was issued may obtain a duplicate or substitute thereof upon furnishing satisfactory proof to the electrical inspector that such license was lost or destroyed and upon payment of a fee established by resolution of City Council.

Section 59. **Suspension of Licenses.** The City may suspend the license of any licensed contractor or electrician within the City for a period not to exceed one year after determining at a proper hearing as set out in this section that the licensee:

(1) Has committed an offense for which he has not been convicted, but for which automatic suspension of such licensee, upon conviction, would follow under the provisions of Section 60 of this ordinance;

(2) Has permitted an unlawful or fraudulent use of such license;

(3) Has committed an offense in another state, county or city, which if committed in this City would be grounds for suspension or revocation;

(4) Is a habitual violator of this ordinance;

(5) Has performed electrical work that is in violation of this ordinance or the International Electrical Code, and such work is found to be the cause or contributing cause of a fire, whether or not there is any actual damage or loss;

(6) Has performed electrical work that is in violation of this ordinance and then failed or refused to make corrections necessary for the work to conform to this ordinance;

(7) Is a habitual drunkard or narcotics user;

(8) Has defrauded any person for whom he has rendered or contracted to render service; or

(9) Has failed to use approved materials.

Section 60. Automatic Suspension of License.

(a) The license of any person shall be automatically suspended upon final conviction of any of the following offenses:

(1) Taking out a permit in the name of a person authorized to do the electrical work and thereafter permitting a person not authorized by this ordinance to do the electrical work;

(2) Tampering with, diverting from or in any way interfering with the proper action or registration of an electrical meter, as that offense is defined in V.T.C.A., Penal Code § 31.04;

(3) Employing as a master, journeyman or other electrician any person not then licensed as provided by this ordinance to perform work in the City;

(4) Lending or knowingly permitting the use of any license for the doing of any electrical work to any person not entitled thereto under the provisions of this ordinance;

(5) Displaying or representing as one's own a license for the doing of any electrical work when such license has not been lawfully issued to the person so displaying such license;

(6) Failing or refusing to surrender to the electrical inspector on demand any license which has been suspended, cancelled or revoked as provided by law;

(7) Applying for or having in one's possession more than one current license of the same type provided for in this ordinance;

(11) Displaying or causing or permitting to be displayed or having in one's possession any instrument purporting to be any license for the doing of any electrical work, knowing such instrument to be fictitious or to have been cancelled, revoked, suspended or altered;

- (12) Using a false or fictitious name, or giving a false or fictitious address in any application for any license provided for in this ordinance or any renewal or duplicate therefor, or knowingly making a false statement or knowingly concealing a material fact, or otherwise committing fraud in making such application;
- (13) Performing any character of electrical work for which a license is required, without the license required by this ordinance, or while such license is suspended, cancelled or revoked; or
- (11) For the violation of Section 24 of this ordinance.

(b) The suspension provided for in this section shall in the first instance be for a period of six months. If any license shall be suspended under the provisions of this ordinance for the second time, such second suspension shall be for a period of one year. The suspension of any license shall be automatically extended upon the licensee's being convicted of performing electrical work while the license of such person is suspended, with such extended period of suspension being for a like period as the original suspension, and in addition to any other penalty as provided in this ordinance.

Section 61. **Revocation of License.** If, within any three-year period, the holder of any license issued under the terms of this ordinance shall have been finally convicted three times or more for a violation of any of the provisions of this ordinance, the City may revoke and cancel such license, and upon such revocation and cancellation, such license shall be and become null and void and cannot be renewed thereafter.

Section 62. **Surrender and Return of License.** Any license which has been suspended or revoked shall be surrendered to and retained by the electrical inspector, except that at the end of the period of suspension of such license, the license so surrendered shall be returned to the licensee.

Section 63. **Appeals.** Any person denied a license or whose license has been suspended or revoked by the City, except where such suspension or revocation is automatic under the provisions of Section 60 of this ordinance, or any person who is otherwise aggrieved by a decision of the City, may appeal to the City Council, and the aggrieved shall have the right to file a petition within ten days thereafter for a hearing before the City. The City Council shall set the matter for hearing upon 14 days' written notice to the aggrieved person, and thereupon take testimony and examine into the facts of the case, and determine whether the petitioner is entitled to a license or is subject to suspension or revocation of his license under the provisions of this ordinance.

Section 64. 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 \$2000. Each day of violation shall constitute a separate offense.

Section 65. 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

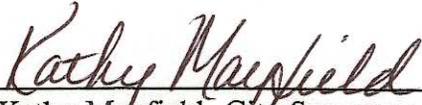
adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Fulshear, Texas, declares 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 September 2003.



Michael Dinges, Mayor

ATTEST:



Kathy Mayfield, City Secretary

JOHN SMART - AYE
BILL ARCHER - AYE
OWEN BEMENT - AYE
COLICE WATTS - AYE
J B COLLINS JR - AYE

ORDINANCE NO. 03-902

AN ORDINANCE OF THE CITY OF FULSHEAR, TEXAS, PROVIDING IT UNLAWFUL FOR ANY PERSON TO OPERATE AS A BUILDING CONTRACTOR WITHIN THE CITY WITHOUT HAVING FIRST OBTAINED A BUILDING CONTRACTOR LICENSE THEREFOR; PROVIDING CONDITIONS FOR THE ISSUANCE AND MAINTENANCE OF PERMITS; PROVIDING EXCEPTIONS TO THE ORDINANCE; PROVIDING A PENALTY OF AN AMOUNT NOT TO EXCEED \$2,000 FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF; AND PROVIDING FOR SEVERABILITY.

* * * * *

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

Section 1. Building Contractor Licenses.

(a) **License Required.** It shall be unlawful for any person to erect, construct, enlarge, alter, repair, move, improve, remove, demolish or equip any building or structure, or to use, occupy or maintain any building or premises in conjunction therewith, or to cause or permit the same to be done by another, without having first obtained a Building Contractor's License issued by the City prior to the commencement of any such work.

(b) **No Building Permit without License.** No building permit shall be issued to any person not holding a valid Building Contractor License other than the owner or occupant of a residential dwelling for work relating to such residential dwelling or to accessory buildings or structures upon the premises thereof.

(c) **Insurance.** No Building Contractor License shall be issued to any person unless such person procures and maintains, during the term of such license, the following policies of insurance, in the minimum amounts set forth below:

- (1) Worker's compensation insurance, statutory amounts;
- (2) Bodily injury liability insurance, three hundred thousand dollars (\$300,000.00) for any one occurrence and three hundred thousand dollars (\$300,000.00) in the aggregate;
- (3) Property damage insurance, one hundred thousand dollars (\$100,000.00) for any one (1) occurrence; or a combined single limit of three hundred thousand dollars (\$300,000.00) per occurrence and in the aggregate;
- (4) Automobile liability insurance, one hundred thousand dollars

(\$100,000.00) for any one (1) occurrence; and a combined single limit of three hundred thousand dollars (\$300,000.00) per occurrence and in the aggregate;

All such policies of insurance shall be written by a company authorized to do business under the rules of the Board of Insurance of the State of Texas. Compliance with the above requirements shall be evidenced by the filing of a copy of each and every applicable policy, or a certificate of insurance with reference thereto, with the City Secretary of the City. Each such policy or certificate shall include an endorsement thereon that the City shall be notified at least ten (10) days prior to the cancellation or expiration of any such policy.

(d) **Use of License.** Licenses issued under the provisions hereof shall not be transferable, but the Building Contractor's License of any active member, officer or supervisory employee of a partnership, firm or corporation shall be sufficient to qualify the partnership, firm or corporation to engage in the business of building contracting if the license holder is employed by that firm only and does in fact supervise and control those installations and alterations of buildings which are required by this Ordinance to be installed or altered by a person licensed under the provisions hereof.

(e) **Suspension or Revocation.** A Building Contractor License may be revoked or suspended by the City upon the committing by a Licensee of any of the following:

- (1) Fraud or misrepresentation in obtaining license or permit;
- (2) Failure to obtain a permit prior to commencement of any work for which a permit is required by ordinance of the City;
- (3) Violation of any provision of any building, construction, or other applicable code or ordinance of the City governing work for which a building permit has been issued, whether through negligence, malicious or wanton disregard, or other willful conduct, or by reason of incompetence, by a person holding a Building Contractor License, or by any person performing work under or pursuant thereto;
- (4) Defrauding of any person within the City for whom a Building Contractor Licensee has rendered or contracted to render a service;
- (5) Securing a permit for work governed hereby not actually performed or supervised by the Building Contractor Licensee, or officer or agent thereof identified in the License application;
- (6) Transferring a Building Contractor License or building permit to an unauthorized person;

- (7) Failure to obtain a final inspection upon completion of work for which a permit has been issued;
- (8) Failure to repair, or make reparations for, damages to public or private properties caused or permitted during or in conjunction with construction activities within the City.

(f) **Length of Suspension.** The suspension or revocation of a Builder Contractor License for acts or omissions identified in subsection (e) above shall be for a period of not less than ninety (90) days nor more than one (1) year for the first occurrence. For any second or subsequent occurrence, the suspension or revocation shall be for a period of not less than one (1) year. Notwithstanding the foregoing, no suspension or revocation shall be imposed by the City until the Contractor shall have been given the opportunity for a public hearing before the City Council regarding such alleged violation.

(g) **Reapplication.** Any person convicted of violating a provision of this Section shall be barred from receiving a Builder Contractor License for a period of one (1) year following the date of such conviction.

(h) **Fee/Application forms.** The annual fee for a Building Contractor License shall be as established from time to time by the City Council. Each Building Contractor License shall expire on December 31 following the date of their Issuance. Application for a license as a building contractor shall be made in writing to the City on a form furnished for that purpose.

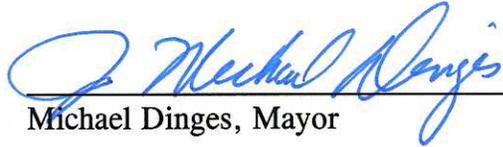
(i) **License not Required.**

- a. Notwithstanding any other provision of this Ordinance to the contrary, a Building Contractor's License shall not be required for persons performing work pursuant to a license issued to such person by the City or the State of Texas authorizing such person to perform such work, and for which a valid electrical, plumbing, HVAC, or other applicable City permit has been issued.
- b. Notwithstanding any other provision of this Ordinance to the contrary, a Building Contractor's License shall not be required for any work within the City for which the cost of the work being performed is less than \$10,000.00.

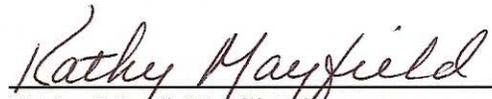
Section 2. Any person who shall violate any provision of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined in an amount not to exceed \$2000. Each day of violation shall constitute a separate offense.

Section 3. 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 15 day of October, 2003.


Michael Dinges, Mayor

ATTEST:


Kathy Mayfield, City Secretary

John Smart - Mayor Pro-tem	Aye
Bill Archer - Councilman	Aye
Owen Bement - Councilman	Aye
J.B. Collins, Jr. - Councilman	Aye
Colice Watts - Councilman	Aye

ORDINANCE NO. 03-903

AN ORDINANCE OF THE CITY OF FULSHEAR, TEXAS, PROVIDING FOR PERMITTING OF ELECTRICAL WORK WITHIN THE CITY; PROVIDING CONDITIONS FOR THE ISSUANCE OF PERMITS; PROVIDING IT TO BE UNLAWFUL FOR ANY PERSON TO OPERATE AS AN ELECTRICIAN WITHIN THE CITY WITHOUT HAVING FIRST OBTAINED AN ELECTRICIAN'S LICENSE THEREFOR; PROVIDING FOR OTHER MATTERS RELATED TO THE SUBJECT; REPEALING ORDINANCE NO. 03-901 ADOPTED THE 17TH DAY OF SEPTEMBER, 2003; PROVIDING A PENALTY OF AN AMOUNT NOT TO EXCEED \$2,000 FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF; AND PROVIDING FOR SEVERABILITY.

* * * * *

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

Section 1. Definitions. The following words, terms, and phrases, when used in this ordinance, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Conviction shall mean a final determination of guilt or the forfeiture of bail, recognizance or appeal bond.

Electrical Inspector shall mean the city electrical inspector or his duly authorized deputies.

Electrical Work shall mean all materials, devices, appliances, machinery and equipment used in connection with the production, transmission or consumption of electrical energy, together with installing, maintaining or repairing such materials, devices, appliances, machinery and equipment.

Journeyman Electrician shall mean a person licensed as a journeyman electrician in compliance with the requirements of this ordinance, employed by contractors and working under the supervision of a licensed master electrician to install, repair, alter and maintain electrical appliances, wiring, apparatus, devices, fixtures or equipment, for which a permit is required under the terms and conditions of this ordinance.

Master Electrician shall mean a person licensed as a master electrician in compliance with the requirements of this ordinance, skilled and engaged in the planning, supervision, installation or repairing, or contracting to install or repair wires, conductors and equipment used within or on buildings for the transmission of electrical current for electric light, heat, power or signaling purposes, together with the fitting for such equipment necessary for the protection of such equipment, and who has been licensed in the manner provided by this ordinance.

Safe Condition, as applied to electrical installations and equipment, shall mean installations and/or equipment which, in the opinion of the electrical inspector, can be used in service for which such installations or equipment are intended or likely to be used with minimum hazard to life, limb or property, thus being installations and equipment reasonably safe to persons and property.

Section 2. Purpose of Ordinance. The object of this ordinance is to reduce personal hazards and fire hazards from electrical causes. To accomplish this, the requirements set forth in this ordinance are intended to provide a minimum standard for electrical work in the City.

Section 3. Scope of Ordinance. The provisions of this ordinance shall apply to all electrical work within or on public and private buildings and premises located within the incorporated boundaries of the City.

Section 4. Liability. This ordinance shall not be construed to relieve from or lessen the responsibility of any person installing, operating or controlling any electrical wiring or electrical apparatus for damages to anyone thereby, or for full and faithful performance of the contract, nor shall the City be held as assuming any liability by reason of the inspection or reinspection authorized in this ordinance or certificate or permit issued pursuant to the provisions of this ordinance, nor shall either the electrical inspector or the City be held as assuming any liability by reason of the inspection or reinspection authorized by this ordinance or the certificates of conformance or nonconformance issued as provided in this ordinance or by reason of the approval or disapproval of any equipment authorized in this ordinance.

Section 5. Adoption of Code; Compliance Required; Conflicts; Service Requirements.

(a) Any and all electrical work placed in or on any building or structure within the corporate boundaries of the City shall be installed in conformity with the regulations and standards set forth in the 2000 edition of the International Electrical Code, which is hereby adopted, and a copy of which is on file in the City Secretary's office; other applicable ordinances of the City; and statutes and administrative rules and regulations of the state agencies thereof.

(b) Where local rules and regulations are set forth in this ordinance, they shall take preference over any rules conflicting therewith. Minimum service requirements shall be as required by the serving utility companies.

Section 6. Electrical Installations. All electrical work as covered by this ordinance shall be installed in a neat and workmanlike manner with materials of such kind, quality and capacity as will maintain satisfactory and economical service to both the serving and consuming parties.

Section 7. Firefighting Hazards. No wire or other electrical apparatus shall be installed, operated or maintained over any street, alley, sidewalk or building which may be

reasonably calculated to interfere seriously with the work of the fire department in the use of ladders or other apparatus, or which shall obstruct or render hazardous the use of fire escapes.

Section 8. Construction Board of Adjustment and Appeals. The construction board of adjustment and appeals, as specified in section 112 of the International Building Code, shall be utilized for the regulation and examination of electricians within the City. For purposes of this ordinance, the City Council shall serve as the construction board of adjustment and appeals.

Section 9. Appeal of Decisions by Electrical Inspector.

(a) Any person aggrieved by a decision or ruling of the electrical inspector shall have the right of appeal to the construction board of adjustment and appeals for its review. Such appeal shall be perfected by a request in writing to the chairman of the board for a hearing, in which the following information shall be contained:

- (1) Name and address of the person making the appeal;
- (2) Facts surrounding the particular ruling or refusal to make a ruling;
- (3) The ruling, if any, of the electrical inspector;
- (4) Reasons why such ruling should be set aside, or if a ruling was refused, why such ruling should be made.

(b) During the pendency of any appeal to the construction board of adjustment and appeals, the ruling of the electrical inspector shall be in full force and effect.

Section 10. Creation of Office of Electrical Inspector; Qualifications.

There is hereby created the office of electrical inspector of the City. The person chosen to fill the office of electrical inspector shall be of good moral character, shall be competent and well versed in the rules and regulations of the International Electrical Code, of such statutes of the state as are applicable, and the terms of this ordinance; shall be possessed of such executive ability as is requisite for the performance of his duties; shall have a thorough knowledge of the standard materials and methods used in the installation of electrical equipment; shall be well versed in approved methods of construction for safety to persons and property; and shall have had at least five years' experience as an electrical inspector or assistant electrical inspector and/or as a journeyman or master electrician in the installation of electrical equipment; or in lieu of such experience, shall be a graduate in electrical or mechanical engineering of a recognized college or university and shall have had at least two years' practical experience.

Section 11. Responsibility for Inspection and Fees. It shall be the duty of the electrical inspector to enforce the provisions of this ordinance. He shall, upon application by electricians licensed by the City, collect and account for the fees and deposits fixed and provided for in this ordinance, and shall make inspections of electrical installations and perform such other acts and duties as are provided for in this ordinance.

Section 12. Records.

(a) The electrical inspector shall keep complete records of all permits issued, inspections and reinspections made, and other official work performed in accordance with the provisions of this ordinance and shall keep a record of all condemnations of electrical installations. The electrical inspector shall file every application for a license received by him, and shall maintain suitable indices containing:

- (1) All applications denied, and on each report thereof note the reason for such denial;
- (2) All applications granted; and
- (3) The name of every licensee whose license has been suspended or revoked, and after each name note the reason for such action.

(b) The electrical inspector shall file the abstracts of court records of convictions and in connection therewith shall maintain convenient records or make suitable notations in order that an individual record of a licensee, showing the convictions or other records of such licensee, shall be readily ascertainable and available for the consideration of the electrical board upon any application for renewal of license and at other suitable times. The electrical inspector shall, furthermore, keep on file a list of electrical equipment inspected and certified by Underwriters Laboratories, Inc., which list shall be accessible for public reference during office hours.

Section 13. Appointment of Assistants. The electrical inspector is empowered to appoint such assistants as are necessary for the proper conduct of his office and the inspection of electrical work as provided for in this ordinance, subject to approval by the City Council. Salaries of any such assistants shall be determined by the City Council.

Section 14. Removal from Office. The City Council may remove from office the electrical inspector or any of his assistants at any time, with or without cause.

Section 15. Liability of Inspector and Assistants. Neither the electrical inspector nor any of his assistants shall, when acting in good faith and without malice, be liable for damages arising by reason of duties performed under the provisions of this ordinance.

Section 16. Authority.

(a) **Inspections.** The electrical inspector shall have the right during reasonable hours to enter any building or premises in the discharge of his official duties, or for the purpose of making any inspection, reinspection or test of electrical equipment contained therein, or its installation.

(b) **Interference Unlawful.** It shall be unlawful for any person to interfere with the electrical inspector in the discharge of his duties, or to prevent or in any manner attempt to prevent him from carrying out the provisions of this ordinance.

(c) **Right to Remove Obstructions.** The electrical inspector shall have the right to remove or compel the removal of any obstruction such as lath, plastering, ceiling or flooring which may hinder a full and complete investigation of such wires or apparatus as the inspector may deem necessary to inspect.

(d) **Condemnation of Conductors.** The electrical inspector may remove or compel the removal of any conductors which are enclosed in conduit or are otherwise inaccessible for complete inspection. When such conductors are not in accordance with the requirements of this ordinance or the International Electrical Code, or are found to be otherwise unsafe to life or property, the electrical inspector shall have the right to condemn, disconnect and cause the owner of such conductor or material to immediately correct such conductor or have it removed.

Section 17. Notice to Comply. Where any electrical work is found by the electrical inspector to be dangerous to persons or property, the person owning, using or operating such electrical work shall be notified in writing to make any changes or repairs which are required to make such electrical work in safe condition, and if such required work is not completed within five working days, or as soon as specified by the electrical inspector, the inspector shall have the authority to disconnect or cause to be disconnected all electrical equipment of installations and/or the premises in or upon which such equipment is located. Any person failing or refusing to repair or remove such equipment within the specified time, after the receipt of such notice, shall be subject to the penalty provided in this ordinance. Each day that such electrical work shall remain not repaired, removed or changed as required by the electrical inspector shall be considered a separate offense within the intent and meaning of this ordinance.

Section 18. Stop Work Notice. The electrical inspector shall cause the cessation of any electrical work being done in any manner which violates the provisions of this ordinance, and he shall cause the discontinuance of maintenance or operations, or the use of materials, which violate the provisions of this ordinance; and upon determining that particular work should cease, the inspector shall post a notice to that effect on the premises and thereafter no person shall proceed with electrical work until the inspector has cancelled the stop work notice. The electrical inspector may attach to electrical work or electrical meters any notice or seal to prevent the use of electricity; and it shall be unlawful for any person to use any seal or break, change, destroy, tear, mutilate, cover, or otherwise deface or injure any such official notice or seal posted by the electrical inspector.

Section 19. Authority to Disconnect. In case of an emergency, where necessary for the safety of persons or property, or where electrical equipment may interfere with the work of the fire department, the electrical inspector shall have the authority to immediately disconnect or cause the immediate disconnection of any electrical equipment, and without notice to anyone.

Section 20. Change of Occupancy, Compliance Required. The electrical inspector shall be empowered to order compliance with the provisions of this ordinance where a change of occupancy occurs within a building which requires changes or alteration to existing wiring.

Section 21. Special Rulings. The electrical inspector shall make all decisions pertaining to the installation, repair or other alteration of all electrical wiring, devices and equipment provided for in this ordinance, such decisions to be made after taking into consideration the International Electrical Code, such statutes of the state as are applicable to such decisions, the provisions of this ordinance, and in light of the standards generally recognized by the electrical trade concerning the safe and proper installation of electrical work. All special rulings shall be reduced to writing and kept on file in the office of the inspector.

Section 22. Appeals. Any person aggrieved by a decision of the electrical inspector shall have such right of appeal as is provided in Section 9 of this ordinance.

Section 23. Permits Required.

(a) No person shall undertake or complete any electrical installation or install, erect or alter any electrical work in or on any building or premises in the city without first securing a permit therefor from the office of the electrical inspector. No permit shall be issued for electrical work except that which is authorized under this ordinance.

(b) In cases where licenses, permits, fees and bonds are required for the installation or repair of electrical work for any purpose, such electrical work shall be installed or repaired in conformity with such provisions of this ordinance as are applicable.

Section 24. Who May Obtain Permit.

(a) Except as otherwise specifically provided in this ordinance, no permit shall be issued to any person who is not the holder of a valid unexpired master electrician's license. A master electrician who is employed as a master electrician for a person shall take out electrical permits only for that person and shall supervise, direct and control the electrical work for which the electrical permit is obtained. A master electrician who is engaged in the electrical business for himself shall take out electrical permits for his business only and no electrical permits shall be taken out by any master electrician who does not supervise, direct and control the electrical work for which the permit is obtained. Each master electrician may appoint not more than two of his full-time employees to act as his agents in obtaining permits by filing with the electrical inspector an affidavit sworn to before an officer authorized to administer oaths, stating the name and address of each such agent, that each agent is a regular and full-time employee under the supervision of such master electrician, and that such master electrician assumes all and full responsibility for any permit taken out or applied for by any such agent. Such affidavit shall be permanently filed by the electrical inspector, but this provision is intended only as a convenience to master electricians in handling ordinary electrical work and shall never be construed as making the delivery of a permit to any agent mandatory upon the electrical inspector.

(b) A person performing repairs and maintenance work with his own hands in a dwelling owned by him and registered in the city tax rolls as his homestead may be issued a permit to do electrical work on his homestead.

Section 25. Application for Permit. Applications for permits required by this ordinance must be made in writing by the person employed to do the work, or his authorized

agent as provided in Section 24 of this ordinance, and will be submitted upon forms provided by the electrical inspector for that purpose. Such application shall contain:

- (1) Date application is submitted;
- (2) Name of owner and name of person employed to do the work;
- (3) Name of person actually presenting application to the electrical inspector;
- (4) Exact location of the property where work is to be done;
- (5) A fee, appropriate to the number and kinds of installations to be made in the amount specified in the schedule contained in Section 26 of this ordinance;
- (6) A description of the work to be performed. Where deemed necessary by the electrical inspector to accomplish the objectives of this ordinance, applications shall be accompanied by as many copies of specifications, plans and a complete feeder layout drawn to scale and in detail to show the nature and character of the work to be performed as the inspector may deem necessary. The plan or diagram shall show the manner in which the electrical installation is to be made or the character of any of the repairs to existing electrical installations. When such plans, specifications and layout are demanded, it shall be a violation of this ordinance for any person to install any part of the electrical work concerned until the electrical inspector approves such installations; and
- (7) Other such pertinent information as may be required by the electrical inspector.

Section 26. Schedule of Fees. Before any permit will be granted for the installation or alteration of electrical work, the licensed electrician making application for such permit shall pay to the electrical inspector the fees in such amount as established by resolution of the City Council.

Section 27. Issuance of Permit. When the electrical inspector finds the application to be correct, and the plans and diagram or specifications are approved and the required fees have been paid, he shall cause the permit to be issued. Upon receipt of such permit, the electrician may start the proposed job and make the installation described in his application, requesting inspection by the inspector in the proper sequence as the work progresses.

Section 28. Insurance Requirements. No master electrician shall be issued a permit until the applicant shall have arranged to carry the following insurance coverages:

(1) Worker's compensation insurance on each and every one of his employees, and this insurance shall be in accordance with the state worker's compensation act.

(2) Public liability insurance to the extent of \$300,000.00 for any one accident, and \$100,000.00 for any one person.

(3) Property damage insurance to the extent of \$100,000.00 for any one accident, and \$100,000.00 for any piece of property.

The insurance required by this section shall be written by an accredited company under the supervision of the state board of insurance commissioners. Evidence of compliance with such required insurance shall be considered as having been met when the policy, a copy thereof, or a certificate of insurance has been filed with the electrical inspector. Such policy shall include an endorsement thereon that the inspector will be notified at least ten days in advance in the event the policy or policies are cancelled or expire before the expiration date of the electrician's license involved.

Section 29. Unspecified Work Not Authorized. No permit shall be deemed to authorize anything not stated in the application, and for any misrepresentation in such application the permit shall be suspended; and if such misrepresentation appears to be willful, the permit shall be revoked.

Section 30. Terms of Permit. If the work authorized by a permit is not begun within 90 days from the date thereof, such permit shall thereupon and thereafter be null and void; and before doing any further work at the location designated in such permit, a new permit must be obtained in like manner as the first, and only upon payment of such fees and deposits as are specified in this ordinance. The permit shall be valid for 12 months. However, the electrical inspector may extend the initiation or expiration date where he finds that extraordinary circumstances beyond the control of the permit holder have made it impossible to initiate or complete the work before the original date.

Section 31. Temporary Work. When a permit to install work of a temporary character for a time to be specified in such permit, and not in any case to exceed 60 days, shall have been issued by the electrical inspector, a strict compliance with the rules in this division for permanent work will not be exacted; provided, that the character of the work is entirely safe for the period designated in the permit. No temporary work or alterations shall be allowed in live circuits unless protected by the proper over current device.

Section 32. Emergency Work. In case of an emergency necessitating the immediate new wiring or repairs to electrical wiring at a time when the office of the electrical inspector is closed so that a permit cannot be obtained, such permit shall thereafter be issued by the inspector if written application shall be made therefor during the next succeeding day that such office shall be open.

Section 33. Permits for Partial Jobs. When one electrician completes the rough work, in whole or in part, on any electrical wiring or installation of fixtures or equipment and a second electrician is called upon to complete the work in whole or in part, then, in that event, a separate permit is required for which regular fees shall be paid for the work to be done.

Section 34. Separate Permit Required. A separate permit shall be required for each separate building, store space or apartment, whether such unit is metered separately or conjunctively, and a service permit shall be taken on all units, whether supplied from a central metering station or directly from the electrical supply agency. If the permittee does not

complete the electrical work for which the permit has been issued, then the contractor who finished such work shall apply for a new permit on such work. There shall be only one permit issued or outstanding at the same time for any one installation of electrical equipment.

Section 35. Permit Not Transferable. Each permit issued under the terms of this ordinance shall be personal to the permittee and shall not be assigned or transferred to any other person; and, except as otherwise specifically provided in this ordinance, it shall be unlawful:

- (8) For one person to obtain a permit in the name of another person, except as provided in Section 24(a) of this ordinance.
- (9) For one person to do or perform any electrical work under the permit issued to another person.
- (10) For one person to suffer, allow or permit another person to do or perform any electrical work under the permit under such other person's name.

Section 36. Inspector to be Notified. Upon completion of any installation of electrical equipment which has been made under a permit, it shall be the duty of the licensed master electrician, or his duly authorized agent, making the installation to notify the electrical inspector, who shall inspect the installation within 48 hours, exclusive of Saturdays, Sundays and holidays, of the time such notice is given or as soon thereafter as practicable.

Section 37. Certificate of Conformance. Where the electrical inspector finds the installation to conform with the provisions of this ordinance, he shall issue to the licensed master electrician making the installation a notice of conformance, which shall be placed on the equipment or premises, authorizing the use of the installation, and he shall notify the agent supplying the electrical service. This certificate shall not relieve the master electrician of his responsibility for any defective work that may have been concealed or which escaped the notice of the inspector.

Section 38. Temporary Certification. The electrical inspector may give temporary permission to connect and furnish electricity to any wiring, apparatus or fixtures for a period not to exceed 30 days if, in his opinion, such wiring, apparatus or fixtures are in such condition that current may be safely connected therewith and there exists an urgent necessity for such use, when written application is filed with him requesting such permission. When a certificate of approval is issued authorizing the connection and use of a temporary installation, such certificate shall be issued to expire at a time to be stated therein and shall be revocable by the electrical inspector for good cause.

Section 39. Emergency Wiring. Emergency wiring may be permitted by the electrical inspector for a period not to exceed 30 days, at which time such wiring or service must be removed. If service is required for a longer period on large construction jobs only, such service or emergency wiring shall be reinspected and a fee established by resolution of the City Council shall be charged for reinspection each 90 days thereafter. Emergency wiring

permits must be signed both by the master electrician contracting to perform the electrical work and the owner or occupant of the building or premises on which they are installed, stating the period for which emergency wiring is desired and signifying that emergency work will be promptly removed after expiration of the emergency permit issued.

Section 40. Concealed Electrical Work. When any electrical equipment is to be hidden from view by the permanent placement of parts of the building and/or equipment, the licensed master electrician installing the equipment shall notify the electrical inspector, and such equipment shall not be concealed until it has been inspected and approved by the electrical inspector or until 48 hours, exclusive of Saturdays, Sundays and holidays, shall have elapsed from the time of such notification; provided, however, that on large installations where concealment of equipment proceeds continuously, the master electrician installing the electrical equipment shall give the electrical inspector due notice, and inspection shall be made periodically during the progress of the work. It shall be unlawful for any person to conceal or place in operation any electrical equipment which has been disapproved or condemned by the electrical inspector unless and until such equipment has been so repaired or altered that it complies with all provisions of this ordinance and has thereafter been approved by the electrical inspector.

Section 41. Uncovering Concealed Equipment. The electrical inspector shall have the authority to require any person to uncover any wiring or electrical equipment which has been concealed without his knowledge or permission for which inspection is required pursuant to this ordinance.

Section 42. Change of Occupants. The electrical supply agency shall disconnect the electrical service to any building and/or premises, except private residences and duplex apartments, each time such building or premises changes occupants, and it shall not again supply electricity to such building or premises until authorized to do so by the electrical inspector. The owner and/or the new occupants of such buildings and/or premises shall make application to the electrical inspector for an inspection.

Section 43. Partial Inspections. When a master electrician does not have the contract for finishing of electrical work covered by his permit, he shall deliver his final inspection request in writing when his part of the electrical work is completed and must state in writing the part of the electrical work installed by him.

Section 44. When Supply of Electric Current Unlawful. It shall be unlawful for any electrical supply agency operating in the City to furnish current to any new building, tent structure or outdoor wiring of any kind, nature or description without first obtaining a clearance from the electrical inspector stating that such wiring is approved and a permit has been issued for the use of current. Whenever any service is discontinued to any building or structure for any cause whatever (excepting nonpayment of bills), a clearance will be necessary before such building or structure can be reconnected. Any time a building is vacated, the electrical inspector must make certain that there has not been any unauthorized addition made to the wiring of such building that might create a fire hazard or that wiring is in such a condition as to be hazardous.

Section 45. When Restoration of Electrical Service Unlawful. Whenever any electrical service has been disconnected by order of the electrical inspector for reasons of being unsafe to persons or property, such service shall not be restored until a certificate of approval from the electrical inspector has been received by the electrical supply agency.

Section 46. Certificate of Nonconformance. If, upon inspection, an electrical installation is not found to be in full conformity with the provisions of this ordinance, the electrical inspector shall issue a notice of nonconformance and shall notify the licensed master electrician making the installation of the defects which have been found to exist. All defective work shall be corrected and brought into conformity with the provisions of this ordinance before any further electrical work will be permitted within or on the building or premises and before the licensed master electrician making the installation shall be issued any other permits to perform any other electrical work.

Section 47. Fees. Fees for inspection shall be charged in accordance with the Schedule of Fees for plan reviews and inspections as adopted, and as may hereafter be amended, by the City Council.

Section 48. Responsibility for Defects. Every person licensed in conformance with this ordinance shall be responsible for any defect in electrical work, insofar as correction thereof is concerned, installed by him until such time as a certificate of conformance and approval has been issued by the electrical inspector, and any and all defects that may have been concealed by such person and discovered by the electrical inspector after a certificate of conformance has been issued approving such work. After the issuance of the certificate of conformance, the person in whose name the electrical work is contracted shall be responsible for all defects caused by such person.

Section 49. Electricians Licenses Required. Except as otherwise provided in this ordinance, no person shall engage in the business of contracting for, installing, altering or repairing any electrical work within the City which is regulated by this ordinance unless such person shall hold a valid, unexpired master electrician's license as specified in this ordinance.

Section 50. Application for Electrician License. Every application for a license as a master electrician, journeyman electrician, or master sign electrician shall be made upon a form furnished by the City's electrical inspector. Every application shall state the name, date of birth, residence and business address of the applicant, a statement of his active and practical experience, and shall state whether the applicant has previously been licensed as a master or other classification of electrician, and, if so, when and by what state, county or city, and whether any such license has ever been suspended or revoked. A master electrician's application shall provide proof of four years of practical experience as a journeyman or licensed electrical engineer. A journeyman electrician's application shall provide proof of four years of electrical experience or the equal amount of time in an electrical trade or secondary school. The license fee, as prescribed by resolution of the City Council, shall accompany each application.

Section 51. Term and Renewal of Electrician License. No license under this ordinance shall be issued for more than a year, and such license may be renewed from year to year upon application by the holder of such license. All licenses shall expire on December 31

of each year. Licenses shall be renewed before April 1 each year thereafter upon payment of such fees as are established by resolution of the City Council, and made payable to the City of Fulshear; provided, of course, that such license has not been canceled prior thereto.

Section 52. Bond.

(a) No person shall be issued a master electrician's license under this ordinance until such person shall have made, executed and delivered to the electrical inspector a surety in the amount of \$1,000.00, payable to the City. Such surety bond shall be with a recognized and reliable surety company authorized to do business in the state and shall cover compliance with all provisions and requirements of this ordinance and the applicable laws of the state and the City. Such bond shall hold the City free from damage or loss of every nature for acts or neglect of the principal of the bond, its agents or employees; and such bond shall be held for the benefit and use of the City or any person injured or damaged by any act or neglect of the principal or his agents or employees, or by reason of failure to repair any defective work, device or installation, or failure to pay any and all fees or other charges due the City, or for failure to remedy any faults or defective workmanship or material without additional cost to the person for whom the work was done within the time prescribed by the electrical inspector for the completion of such remedial work, and guaranteeing compliance with the requirements of this ordinance for all work installed by the principal, his agents or employees.

(b) All bonds required by this section shall be for a period ending the next ensuing December 31. Suit upon such bond may be maintained by any person injured or damaged by reason of the principal's failure to perform his obligations under such bond. Suspension or revocation of the license of the principal shall not by itself affect the liability of either the principal or the surety on such bond.

(c) Should the coverage of the bond required by this section be reduced by recovery or for any other reason, the surety on such bond shall immediately notify the electrical inspector, and the principal shall be suspended from all rights and privileges under this ordinance until the full amount and coverage are restored.

(d) Upon five days' written notice to the principal of the bond under this section and to the electrical inspector, the surety on such bond shall have the privilege of canceling any such bond. Cancellation of such bond shall not cancel or reduce the surety's liability on any transaction begun before 12:00 noon on the effective date of cancellation.

Section 53. Issuance of Electricians License. Upon the submission of satisfactory proof that an applicant has successfully completed the examination as a master or journeyman electrician for licensing by the Southern Building Code Congress International, the International Code Congress, or the State of Texas, the electrical inspector, upon payment of such fees and upon fulfillment of such other requirements as are specified in this ordinance, shall issue to each applicant the class of license that such person is qualified to receive under the provisions of this ordinance.

Section 54. Restriction on Work Beyond Scope of License. It shall be unlawful for the holder of any license issued under the provisions of this ordinance to engage in any phase of the electrical business or perform any work in the electrical trade, other than such

business or work authorized by the class of license or permit held by him. The master or journeyman electrician responsible for a project shall be present on the site whenever unlicensed labor is being used to install electrical materials, products, or equipment.

Section 55. Electricians License Not Transferable. It shall be unlawful for any person holding a license as an electrician to transfer such license or allow the use of such license, directly or indirectly, by any other person for the purpose of obtaining a permit to do electrical work as specified in this ordinance.

Section 56. Identity Card. An identity card shall be carried in person by the licensed electrician while performing electrical work, and the person shall display such card upon demand by any peace officer, the electrical inspector, or by the owner of the premises or property upon which the licensee is working. Each license shall bear a distinguishing number assigned to the licensee, the licensee's full name and a space upon which the licensee shall write his usual signature with pen and ink immediately upon receipt of the license. No license shall be valid until it has been so signed by the licensee.

Section 57. Notice of Change in Status. Whenever any person, after applying for and/or receiving an electrician's license, shall move from the address named in such application or in the license issued to him, or when the name of the licensee is changed, or when the employment of such person is changed, he shall immediately notify the electrical inspector in writing of his former name, address, his present name, address and employment, and shall give his license number.

Section 58. Duplicate Licenses. If an electrician's license issued under the provisions of this ordinance is lost or destroyed, the person to whom such license was issued may obtain a duplicate or substitute thereof upon furnishing satisfactory proof to the electrical inspector that such license was lost or destroyed and upon payment of a fee established by resolution of City Council.

Section 59. Suspension of Licenses. The City may suspend the license of any licensed contractor or electrician within the City for a period not to exceed one year after determining at a proper hearing as set out in this section that the licensee:

(1) Has committed an offense for which he has not been convicted, but for which automatic suspension of such licensee, upon conviction, would follow under the provisions of Section 60 of this ordinance;

(2) Has permitted an unlawful or fraudulent use of such license;

(3) Has committed an offense in another state, county or city, which if committed in this City would be grounds for suspension or revocation;

(4) Is a habitual violator of this ordinance;

(5) Has performed electrical work that is in violation of this ordinance or the International Electrical Code, and such work is found to be the cause or contributing cause of a fire, whether or not there is any actual damage or loss;

(6) Has performed electrical work that is in violation of this ordinance and then failed or refused to make corrections necessary for the work to conform to this ordinance;

(7) Is a habitual drunkard or narcotics user;

(8) Has defrauded any person for whom he has rendered or contracted to render service; or

(9) Has failed to use approved materials.

Section 60. Automatic Suspension of License.

(a) The license of any person shall be automatically suspended upon final conviction of any of the following offenses:

- (1) Taking out a permit in the name of a person authorized to do the electrical work and thereafter permitting a person not authorized by this ordinance to do the electrical work;
- (2) Tampering with, diverting from or in any way interfering with the proper action or registration of an electrical meter, as that offense is defined in V.T.C.A., Penal Code § 31.04;
- (3) Employing as a master, journeyman or other electrician any person not then licensed as provided by this ordinance to perform work in the City;
- (4) Lending or knowingly permitting the use of any license for the doing of any electrical work to any person not entitled thereto under the provisions of this ordinance;
- (5) Displaying or representing as one's own a license for the doing of any electrical work when such license has not been lawfully issued to the person so displaying such license;
- (6) Failing or refusing to surrender to the electrical inspector on demand any license which has been suspended, cancelled or revoked as provided by law;
- (7) Applying for or having in one's possession more than one current license of the same type provided for in this ordinance;
- (11) Displaying or causing or permitting to be displayed or having in one's possession any instrument purporting to be any license for the doing of any electrical work, knowing such instrument to be fictitious or to have been cancelled, revoked, suspended or altered;

- (12) Using a false or fictitious name, or giving a false or fictitious address in any application for any license provided for in this ordinance or any renewal or duplicate therefor, or knowingly making a false statement or knowingly concealing a material fact, or otherwise committing fraud in making such application;
- (13) Performing any character of electrical work for which a license is required, without the license required by this ordinance, or while such license is suspended, cancelled or revoked; or
- (11) For the violation of Section 24 of this ordinance.

(b) The suspension provided for in this section shall in the first instance be for a period of six months. If any license shall be suspended under the provisions of this ordinance for the second time, such second suspension shall be for a period of one year. The suspension of any license shall be automatically extended upon the licensee's being convicted of performing electrical work while the license of such person is suspended, with such extended period of suspension being for a like period as the original suspension, and in addition to any other penalty as provided in this ordinance.

Section 61. **Revocation of License.** If, within any three-year period, the holder of any license issued under the terms of this ordinance shall have been finally convicted three times or more for a violation of any of the provisions of this ordinance, the City may revoke and cancel such license, and upon such revocation and cancellation, such license shall be and become null and void and cannot be renewed thereafter.

Section 62. **Surrender and Return of License.** Any license which has been suspended or revoked shall be surrendered to and retained by the electrical inspector, except that at the end of the period of suspension of such license, the license so surrendered shall be returned to the licensee.

Section 63. **Appeals.** Any person denied a license or whose license has been suspended or revoked by the City, except where such suspension or revocation is automatic under the provisions of Section 60 of this ordinance, or any person who is otherwise aggrieved by a decision of the City, may appeal to the City Council, and the aggrieved shall have the right to file a petition within ten days thereafter for a hearing before the City. The City Council shall set the matter for hearing upon 14 days' written notice to the aggrieved person, and thereupon take testimony and examine into the facts of the case, and determine whether the petitioner is entitled to a license or is subject to suspension or revocation of his license under the provisions of this ordinance.

Section 64. 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 \$2000. Each day of violation shall constitute a separate offense.

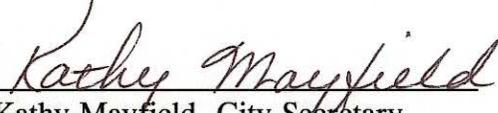
Section 65. Ordinance No. 03-901 originally passed and approved the 17th day of September 2003 is hereby repealed. All other ordinances or parts of ordinances inconsistent or in conflict herewith are, to the extent of such inconsistency or conflict, hereby repealed.

Section 65. 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 15 day of October, 2003.


Michael Dinges, Mayor

ATTEST:


Kathy Mayfield, City Secretary

John Smart - Mayor Pro-tem	Aye
Bill Archer - Councilman	Aye
J.B. Collins, Jr. - Councilman	Aye
Owen Bement - Councilman	Aye
Colice Watts - Councilman	Aye

ORDINANCE NO. 03-904

AN ORDINANCE OF THE CITY OF FULSHEAR, TEXAS, PROVIDING FOR PERMITTING OF ELECTRICAL WORK WITHIN THE CITY; PROVIDING CONDITIONS FOR THE ISSUANCE OF PERMITS; PROVIDING IT TO BE UNLAWFUL FOR ANY PERSON TO OPERATE AS AN ELECTRICIAN WITHIN THE CITY WITHOUT HAVING FIRST OBTAINED AN ELECTRICIAN'S LICENSE THEREFOR; PROVIDING FOR OTHER MATTERS RELATED TO THE SUBJECT; REPEALING ORDINANCE NO. 03-903 ADOPTED THE 15TH DAY OF OCTOBER, 2003; PROVIDING A PENALTY OF AN AMOUNT NOT TO EXCEED \$2,000 FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF; AND PROVIDING FOR SEVERABILITY.

* * * * *

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

Section 1. Definitions. The following words, terms, and phrases, when used in this ordinance, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Conviction shall mean a final determination of guilt or the forfeiture of bail, recognizance or appeal bond.

Electrical Inspector shall mean the city electrical inspector or his duly authorized deputies.

Electrical Work shall mean all materials, devices, appliances, machinery and equipment used in connection with the production, transmission or consumption of electrical energy, together with installing, maintaining or repairing such materials, devices, appliances, machinery and equipment.

Apprentice Electrician shall mean a person licensed as an apprentice electrician in compliance with all requirements of this ordinance, employed by contractors and working under the supervision of a licensed master electrician or a licensed journeyman electrician to install, repair, alter, and maintain electrical appliances, wiring, apparatus, devices, fixtures or equipment, for which a permit is required under the terms and conditions of this ordinance.

Journeyman Electrician shall mean a person licensed as a journeyman electrician in compliance with the requirements of this ordinance, employed by contractors and working under the supervision of a licensed master electrician to install, repair, alter and maintain electrical appliances, wiring, apparatus, devices, fixtures or equipment, for which a permit is required under the terms and conditions of this ordinance.

Master Electrician shall mean a person licensed as a master electrician in compliance with the requirements of this ordinance, skilled and engaged in the planning, supervision,

installation or repairing, or contracting to install or repair wires, conductors and equipment used within or on buildings for the transmission of electrical current for electric light, heat, power or signaling purposes, together with the fitting for such equipment necessary for the protection of such equipment, and who has been licensed in the manner provided by this ordinance.

Safe Condition, as applied to electrical installations and equipment, shall mean installations and/or equipment which, in the opinion of the electrical inspector, can be used in service for which such installations or equipment are intended or likely to be used with minimum hazard to life, limb or property, thus being installations and equipment reasonably safe to persons and property.

Section 2. Purpose of Ordinance. The object of this ordinance is to reduce personal hazards and fire hazards from electrical causes. To accomplish this, the requirements set forth in this ordinance are intended to provide a minimum standard for electrical work in the City.

Section 3. Scope of Ordinance. The provisions of this ordinance shall apply to all electrical work within or on public and private buildings and premises located within the incorporated boundaries of the City.

Section 4. Liability. This ordinance shall not be construed to relieve from or lessen the responsibility of any person installing, operating or controlling any electrical wiring or electrical apparatus for damages to anyone thereby, or for full and faithful performance of the contract, nor shall the City be held as assuming any liability by reason of the inspection or reinspection authorized in this ordinance or certificate or permit issued pursuant to the provisions of this ordinance, nor shall either the electrical inspector or the City be held as assuming any liability by reason of the inspection or reinspection authorized by this ordinance or the certificates of conformance or nonconformance issued as provided in this ordinance or by reason of the approval or disapproval of any equipment authorized in this ordinance.

Section 5. Adoption of Code; Compliance Required; Conflicts; Service Requirements.

(a) Any and all electrical work placed in or on any building or structure within the corporate boundaries of the City shall be installed in conformity with the regulations and standards set forth in the 2000 edition of the International Electrical Code, which is hereby adopted, and a copy of which is on file in the City Secretary's office; other applicable ordinances of the City; and statutes and administrative rules and regulations of the state agencies thereof.

(b) Where local rules and regulations are set forth in this ordinance, they shall take preference over any rules conflicting therewith. Minimum service requirements shall be as required by the serving utility companies.

Section 6. Electrical Installations. All electrical work as covered by this ordinance shall be installed in a neat and workmanlike manner with materials of such kind,

quality and capacity as will maintain satisfactory and economical service to both the serving and consuming parties.

Section 7. Firefighting Hazards. No wire or other electrical apparatus shall be installed, operated or maintained over any street, alley, sidewalk or building which may be reasonably calculated to interfere seriously with the work of the fire department in the use of ladders or other apparatus, or which shall obstruct or render hazardous the use of fire escapes.

Section 8. Construction Board of Adjustment and Appeals. The construction board of adjustment and appeals, as specified in section 112 of the International Building Code, shall be utilized for the regulation and examination of electricians within the City. For purposes of this ordinance, the City Council shall serve as the construction board of adjustment and appeals.

Section 9. Appeal of Decisions by Electrical Inspector.

(a) Any person aggrieved by a decision or ruling of the electrical inspector shall have the right of appeal to the construction board of adjustment and appeals for its review. Such appeal shall be perfected by a request in writing to the chairman of the board for a hearing, in which the following information shall be contained:

- (1) Name and address of the person making the appeal;
- (2) Facts surrounding the particular ruling or refusal to make a ruling;
- (3) The ruling, if any, of the electrical inspector;
- (4) Reasons why such ruling should be set aside, or if a ruling was refused, why such ruling should be made.

(b) During the pendency of any appeal to the construction board of adjustment and appeals, the ruling of the electrical inspector shall be in full force and effect.

Section 10. Creation of Office of Electrical Inspector; Qualifications.

There is hereby created the office of electrical inspector of the City. The person chosen to fill the office of electrical inspector shall be of good moral character, shall be competent and well versed in the rules and regulations of the International Electrical Code, of such statutes of the state as are applicable, and the terms of this ordinance; shall be possessed of such executive ability as is requisite for the performance of his duties; shall have a thorough knowledge of the standard materials and methods used in the installation of electrical equipment; shall be well versed in approved methods of construction for safety to persons and property; and shall have had at least five years' experience as an electrical inspector or assistant electrical inspector and/or as a journeyman or master electrician in the installation of electrical equipment; or in lieu of such experience, shall be a graduate in electrical or mechanical engineering of a recognized college or university and shall have had at least two years' practical experience.

Section 11. Responsibility for Inspection and Fees. It shall be the duty of the electrical inspector to enforce the provisions of this ordinance. He shall, upon application by electricians licensed by the City, collect and account for the fees and deposits fixed and provided for in this ordinance, and shall make inspections of electrical installations and perform such other acts and duties as are provided for in this ordinance.

Section 12. Records.

(a) The electrical inspector shall keep complete records of all permits issued, inspections and reinspections made, and other official work performed in accordance with the provisions of this ordinance and shall keep a record of all condemnations of electrical installations. The electrical inspector shall file every application for a license received by him, and shall maintain suitable indices containing:

- (1) All applications denied, and on each report thereof note the reason for such denial;
- (2) All applications granted; and
- (3) The name of every licensee whose license has been suspended or revoked, and after each name note the reason for such action.

(b) The electrical inspector shall file the abstracts of court records of convictions and in connection therewith shall maintain convenient records or make suitable notations in order that an individual record of a licensee, showing the convictions or other records of such licensee, shall be readily ascertainable and available for the consideration of the electrical board upon any application for renewal of license and at other suitable times. The electrical inspector shall, furthermore, keep on file a list of electrical equipment inspected and certified by Underwriters Laboratories, Inc., which list shall be accessible for public reference during office hours.

Section 13. Appointment of Assistants. The electrical inspector is empowered to appoint such assistants as are necessary for the proper conduct of his office and the inspection of electrical work as provided for in this ordinance, subject to approval by the City Council. Salaries of any such assistants shall be determined by the City Council.

Section 14. Removal from Office. The City Council may remove from office the electrical inspector or any of his assistants at any time, with or without cause.

Section 15. Liability of Inspector and Assistants. Neither the electrical inspector nor any of his assistants shall, when acting in good faith and without malice, be liable for damages arising by reason of duties performed under the provisions of this ordinance.

Section 16. Authority.

(a) **Inspections.** The electrical inspector shall have the right during reasonable hours to enter any building or premises in the discharge of his official duties, or for the purpose of

making any inspection, reinspection or test of electrical equipment contained therein, or its installation.

(b) **Interference Unlawful.** It shall be unlawful for any person to interfere with the electrical inspector in the discharge of his duties, or to prevent or in any manner attempt to prevent him from carrying out the provisions of this ordinance.

(c) **Right to Remove Obstructions.** The electrical inspector shall have the right to remove or compel the removal of any obstruction such as lath, plastering, ceiling or flooring which may hinder a full and complete investigation of such wires or apparatus as the inspector may deem necessary to inspect.

(d) **Condemnation of Conductors.** The electrical inspector may remove or compel the removal of any conductors which are enclosed in conduit or are otherwise inaccessible for complete inspection. When such conductors are not in accordance with the requirements of this ordinance or the International Electrical Code, or are found to be otherwise unsafe to life or property, the electrical inspector shall have the right to condemn, disconnect and cause the owner of such conductor or material to immediately correct such conductor or have it removed.

Section 17. Notice to Comply. Where any electrical work is found by the electrical inspector to be dangerous to persons or property, the person owning, using or operating such electrical work shall be notified in writing to make any changes or repairs which are required to make such electrical work in safe condition, and if such required work is not completed within five working days, or as soon as specified by the electrical inspector, the inspector shall have the authority to disconnect or cause to be disconnected all electrical equipment of installations and/or the premises in or upon which such equipment is located. Any person failing or refusing to repair or remove such equipment within the specified time, after the receipt of such notice, shall be subject to the penalty provided in this ordinance. Each day that such electrical work shall remain not repaired, removed or changed as required by the electrical inspector shall be considered a separate offense within the intent and meaning of this ordinance.

Section 18. Stop Work Notice. The electrical inspector shall cause the cessation of any electrical work being done in any manner which violates the provisions of this ordinance, and he shall cause the discontinuance of maintenance or operations, or the use of materials, which violate the provisions of this ordinance; and upon determining that particular work should cease, the inspector shall post a notice to that effect on the premises and thereafter no person shall proceed with electrical work until the inspector has cancelled the stop work notice. The electrical inspector may attach to electrical work or electrical meters any notice or seal to prevent the use of electricity; and it shall be unlawful for any person to use any seal or break, change, destroy, tear, mutilate, cover, or otherwise deface or injure any such official notice or seal posted by the electrical inspector.

Section 19. Authority to Disconnect. In case of an emergency, where necessary for the safety of persons or property, or where electrical equipment may interfere with the work of the fire department, the electrical inspector shall have the authority to immediately

disconnect or cause the immediate disconnection of any electrical equipment, and without notice to anyone.

Section 20. Change of Occupancy, Compliance Required. The electrical inspector shall be empowered to order compliance with the provisions of this ordinance where a change of occupancy occurs within a building which requires changes or alteration to existing wiring.

Section 21. Special Rulings. The electrical inspector shall make all decisions pertaining to the installation, repair or other alteration of all electrical wiring, devices and equipment provided for in this ordinance, such decisions to be made after taking into consideration the International Electrical Code, such statutes of the state as are applicable to such decisions, the provisions of this ordinance, and in light of the standards generally recognized by the electrical trade concerning the safe and proper installation of electrical work. All special rulings shall be reduced to writing and kept on file in the office of the inspector.

Section 22. Appeals. Any person aggrieved by a decision of the electrical inspector shall have such right of appeal as is provided in Section 9 of this ordinance.

Section 23. Permits Required.

(a) No person shall undertake or complete any electrical installation or install, erect or alter any electrical work in or on any building or premises in the city without first securing a permit therefor from the office of the electrical inspector. No permit shall be issued for electrical work except that which is authorized under this ordinance.

(b) In cases where licenses, permits, fees and bonds are required for the installation or repair of electrical work for any purpose, such electrical work shall be installed or repaired in conformity with such provisions of this ordinance as are applicable.

Section 24. Who May Obtain Permit.

(a) Except as otherwise specifically provided in this ordinance, no permit shall be issued to any person who is not the holder of a valid unexpired master electrician's license. A master electrician who is employed as a master electrician for a person shall take out electrical permits only for that person and shall supervise, direct and control the electrical work for which the electrical permit is obtained. A master electrician who is engaged in the electrical business for himself shall take out electrical permits for his business only and no electrical permits shall be taken out by any master electrician who does not supervise, direct and control the electrical work for which the permit is obtained. Each master electrician may appoint not more than two of his full-time employees to act as his agents in obtaining permits by filing with the electrical inspector an affidavit sworn to before an officer authorized to administer oaths, stating the name and address of each such agent, that each agent is a regular and full-time employee under the supervision of such master electrician, and that such master electrician assumes all and full responsibility for any permit taken out or applied for by any such agent. Such affidavit shall be permanently filed by the electrical inspector, but this provision is intended only as a convenience to master electricians in handling ordinary

electrical work and shall never be construed as making the delivery of a permit to any agent mandatory upon the electrical inspector.

(b) A person performing repairs and maintenance work with his own hands in a dwelling owned by him and registered in the city tax rolls as his homestead may be issued a permit to do electrical work on his homestead.

Section 25. Application for Permit. Applications for permits required by this ordinance must be made in writing by the person employed to do the work, or his authorized agent as provided in Section 24 of this ordinance, and will be submitted upon forms provided by the electrical inspector for that purpose. Such application shall contain:

- (1) Date application is submitted;
- (2) Name of owner and name of person employed to do the work;
- (3) Name of person actually presenting application to the electrical inspector;
- (4) Exact location of the property where work is to be done;
- (5) A fee, appropriate to the number and kinds of installations to be made in the amount specified in the schedule contained in Section 26 of this ordinance;
- (6) A description of the work to be performed. Where deemed necessary by the electrical inspector to accomplish the objectives of this ordinance, applications shall be accompanied by as many copies of specifications, plans and a complete feeder layout drawn to scale and in detail to show the nature and character of the work to be performed as the inspector may deem necessary. The plan or diagram shall show the manner in which the electrical installation is to be made or the character of any of the repairs to existing electrical installations. When such plans, specifications and layout are demanded, it shall be a violation of this ordinance for any person to install any part of the electrical work concerned until the electrical inspector approves such installations; and
- (7) Other such pertinent information as may be required by the electrical inspector.

Section 26. Schedule of Fees. Before any permit will be granted for the installation or alteration of electrical work, the licensed electrician making application for such permit shall pay to the electrical inspector the fees in such amount as established by resolution of the City Council.

Section 27. Issuance of Permit. When the electrical inspector finds the application to be correct, and the plans and diagram or specifications are approved and the required fees have been paid, he shall cause the permit to be issued. Upon receipt of such permit, the electrician may start the proposed job and make the installation described in his application, requesting inspection by the inspector in the proper sequence as the work progresses.

Section 28. Insurance Requirements. No master electrician shall be issued a permit until the applicant shall have arranged to carry the following insurance coverages:

(1) Worker's compensation insurance on each and every one of his employees, and this insurance shall be in accordance with the state worker's compensation act.

(2) Public liability insurance to the extent of \$300,000.00 for any one accident, and \$100,000.00 for any one person.

(3) Property damage insurance to the extent of \$100,000.00 for any one accident, and \$100,000.00 for any piece of property.

The insurance required by this section shall be written by an accredited company under the supervision of the state board of insurance commissioners. Evidence of compliance with such required insurance shall be considered as having been met when the policy, a copy thereof, or a certificate of insurance has been filed with the electrical inspector. Such policy shall include an endorsement thereon that the inspector will be notified at least ten days in advance in the event the policy or policies are cancelled or expire before the expiration date of the electrician's license involved.

Section 29. Unspecified Work Not Authorized. No permit shall be deemed to authorize anything not stated in the application, and for any misrepresentation in such application the permit shall be suspended; and if such misrepresentation appears to be willful, the permit shall be revoked.

Section 30. Terms of Permit. If the work authorized by a permit is not begun within 90 days from the date thereof, such permit shall thereupon and thereafter be null and void; and before doing any further work at the location designated in such permit, a new permit must be obtained in like manner as the first, and only upon payment of such fees and deposits as are specified in this ordinance. The permit shall be valid for 12 months. However, the electrical inspector may extend the initiation or expiration date where he finds that extraordinary circumstances beyond the control of the permit holder have made it impossible to initiate or complete the work before the original date.

Section 31. Temporary Work. When a permit to install work of a temporary character for a time to be specified in such permit, and not in any case to exceed 60 days, shall have been issued by the electrical inspector, a strict compliance with the rules in this division for permanent work will not be exacted; provided, that the character of the work is entirely safe for the period designated in the permit. No temporary work or alterations shall be allowed in live circuits unless protected by the proper over current device.

Section 32. Emergency Work. In case of an emergency necessitating the immediate new wiring or repairs to electrical wiring at a time when the office of the electrical inspector is closed so that a permit cannot be obtained, such permit shall thereafter be issued by the inspector if written application shall be made therefor during the next succeeding day that such office shall be open.

Section 33. Permits for Partial Jobs. When one electrician completes the rough work, in whole or in part, on any electrical wiring or installation of fixtures or equipment and a second electrician is called upon to complete the work in whole or in part, then, in that event, a separate permit is required for which regular fees shall be paid for the work to be done.

Section 34. Separate Permit Required. A separate permit shall be required for each separate building, store space or apartment, whether such unit is metered separately or conjunctively, and a service permit shall be taken on all units, whether supplied from a central metering station or directly from the electrical supply agency. If the permittee does not complete the electrical work for which the permit has been issued, then the contractor who finished such work shall apply for a new permit on such work. There shall be only one permit issued or outstanding at the same time for any one installation of electrical equipment.

Section 35. Permit Not Transferable. Each permit issued under the terms of this ordinance shall be personal to the permittee and shall not be assigned or transferred to any other person; and, except as otherwise specifically provided in this ordinance, it shall be unlawful:

- (8) For one person to obtain a permit in the name of another person, except as provided in Section 24(a) of this ordinance.
- (9) For one person to do or perform any electrical work under the permit issued to another person.
- (10) For one person to suffer, allow or permit another person to do or perform any electrical work under the permit under such other person's name.

Section 36. Inspector to be Notified. Upon completion of any installation of electrical equipment which has been made under a permit, it shall be the duty of the licensed master electrician, or his duly authorized agent, making the installation to notify the electrical inspector, who shall inspect the installation within 48 hours, exclusive of Saturdays, Sundays and holidays, of the time such notice is given or as soon thereafter as practicable.

Section 37. Certificate of Conformance. Where the electrical inspector finds the installation to conform with the provisions of this ordinance, he shall issue to the licensed master electrician making the installation a notice of conformance, which shall be placed on the equipment or premises, authorizing the use of the installation, and he shall notify the agent supplying the electrical service. This certificate shall not relieve the master electrician of his responsibility for any defective work that may have been concealed or which escaped the notice of the inspector.

Section 38. Temporary Certification. The electrical inspector may give temporary permission to connect and furnish electricity to any wiring, apparatus or fixtures for a period not to exceed 30 days if, in his opinion, such wiring, apparatus or fixtures are in such condition that current may be safely connected therewith and there exists an urgent necessity

for such use, when written application is filed with him requesting such permission. When a certificate of approval is issued authorizing the connection and use of a temporary installation, such certificate shall be issued to expire at a time to be stated therein and shall be revocable by the electrical inspector for good cause.

Section 39. Emergency Wiring. Emergency wiring may be permitted by the electrical inspector for a period not to exceed 30 days, at which time such wiring or service must be removed. If service is required for a longer period on large construction jobs only, such service or emergency wiring shall be reinspected and a fee established by resolution of the City Council shall be charged for reinspection each 90 days thereafter. Emergency wiring permits must be signed both by the master electrician contracting to perform the electrical work and the owner or occupant of the building or premises on which they are installed, stating the period for which emergency wiring is desired and signifying that emergency work will be promptly removed after expiration of the emergency permit issued.

Section 40. Concealed Electrical Work. When any electrical equipment is to be hidden from view by the permanent placement of parts of the building and/or equipment, the licensed master electrician installing the equipment shall notify the electrical inspector, and such equipment shall not be concealed until it has been inspected and approved by the electrical inspector or until 48 hours, exclusive of Saturdays, Sundays and holidays, shall have elapsed from the time of such notification; provided, however, that on large installations where concealment of equipment proceeds continuously, the master electrician installing the electrical equipment shall give the electrical inspector due notice, and inspection shall be made periodically during the progress of the work. It shall be unlawful for any person to conceal or place in operation any electrical equipment which has been disapproved or condemned by the electrical inspector unless and until such equipment has been so repaired or altered that it complies with all provisions of this ordinance and has thereafter been approved by the electrical inspector.

Section 41. Uncovering Concealed Equipment. The electrical inspector shall have the authority to require any person to uncover any wiring or electrical equipment which has been concealed without his knowledge or permission for which inspection is required pursuant to this ordinance.

Section 42. Change of Occupants. The electrical supply agency shall disconnect the electrical service to any building and/or premises, except private residences and duplex apartments, each time such building or premises changes occupants, and it shall not again supply electricity to such building or premises until authorized to do so by the electrical inspector. The owner and/or the new occupants of such buildings and/or premises shall make application to the electrical inspector for an inspection.

Section 43. Partial Inspections. When a master electrician does not have the contract for finishing of electrical work covered by his permit, he shall deliver his final inspection request in writing when his part of the electrical work is completed and must state in writing the part of the electrical work installed by him.

Section 44. When Supply of Electric Current Unlawful. It shall be unlawful for any electrical supply agency operating in the City to furnish current to any new building,

tent structure or outdoor wiring of any kind, nature or description without first obtaining a clearance from the electrical inspector stating that such wiring is approved and a permit has been issued for the use of current. Whenever any service is discontinued to any building or structure for any cause whatever (excepting nonpayment of bills), a clearance will be necessary before such building or structure can be reconnected. Any time a building is vacated, the electrical inspector must make certain that there has not been any unauthorized addition made to the wiring of such building that might create a fire hazard or that wiring is in such a condition as to be hazardous.

Section 45. When Restoration of Electrical Service Unlawful. Whenever any electrical service has been disconnected by order of the electrical inspector for reasons of being unsafe to persons or property, such service shall not be restored until a certificate of approval from the electrical inspector has been received by the electrical supply agency.

Section 46. Certificate of Nonconformance. If, upon inspection, an electrical installation is not found to be in full conformity with the provisions of this ordinance, the electrical inspector shall issue a notice of nonconformance and shall notify the licensed master electrician making the installation of the defects which have been found to exist. All defective work shall be corrected and brought into conformity with the provisions of this ordinance before any further electrical work will be permitted within or on the building or premises and before the licensed master electrician making the installation shall be issued any other permits to perform any other electrical work.

Section 47. Fees. Fees for inspection shall be charged in accordance with the Schedule of Fees for plan reviews and inspections as adopted, and as may hereafter be amended, by the City Council.

Section 48. Responsibility for Defects. Every person licensed in conformance with this ordinance shall be responsible for any defect in electrical work, insofar as correction thereof is concerned, installed by him until such time as a certificate of conformance and approval has been issued by the electrical inspector, and any and all defects that may have been concealed by such person and discovered by the electrical inspector after a certificate of conformance has been issued approving such work. After the issuance of the certificate of conformance, the person in whose name the electrical work is contracted shall be responsible for all defects caused by such person.

Section 49. Electricians Licenses Required. Except as otherwise provided in this ordinance, no person shall engage in the business of contracting for, installing, altering or repairing any electrical work within the City which is regulated by this ordinance unless such person shall hold a valid, unexpired master electrician's license as specified in this ordinance.

Section 50. Application for Electrician License. Every application for a license as a master electrician, journeyman electrician, apprentice electrician, or master sign electrician shall be made upon a form furnished by the City's electrical inspector. Every application shall state the name, date of birth, residence and business address of the applicant, a statement of his active and practical experience, and shall state whether the applicant has previously been licensed as a master or other classification of electrician, and, if so, when and by what state, county or city, and whether any such license has ever been suspended or

revoked. A master electrician's application shall provide proof of four years of practical experience as a journeyman or licensed electrical engineer. A journeyman electrician's application shall provide proof of four years of electrical experience or the equal amount of time in an electrical trade or secondary school. The license fee, as prescribed by resolution of the City Council, shall accompany each application.

Section 51. Term and Renewal of Electrician License. No license under this ordinance shall be issued for more than a year, and such license may be renewed from year to year upon application by the holder of such license. All licenses shall expire on December 31 of each year. Licenses shall be renewed before April 1 each year thereafter upon payment of such fees as are established by resolution of the City Council, and made payable to the City of Fulshear; provided, of course, that such license has not been canceled prior thereto.

Section 52. Bond.

(a) No person shall be issued a master electrician's license under this ordinance until such person shall have made, executed and delivered to the electrical inspector a surety in the amount of \$1,000.00, payable to the City. Such surety bond shall be with a recognized and reliable surety company authorized to do business in the state and shall cover compliance with all provisions and requirements of this ordinance and the applicable laws of the state and the City. Such bond shall hold the City free from damage or loss of every nature for acts or neglect of the principal of the bond, its agents or employees; and such bond shall be held for the benefit and use of the City or any person injured or damaged by any act or neglect of the principal or his agents or employees, or by reason of failure to repair any defective work, device or installation, or failure to pay any and all fees or other charges due the City, or for failure to remedy any faults or defective workmanship or material without additional cost to the person for whom the work was done within the time prescribed by the electrical inspector for the completion of such remedial work, and guaranteeing compliance with the requirements of this ordinance for all work installed by the principal, his agents or employees.

(b) All bonds required by this section shall be for a period ending the next ensuing December 31. Suit upon such bond may be maintained by any person injured or damaged by reason of the principal's failure to perform his obligations under such bond. Suspension or revocation of the license of the principal shall not by itself affect the liability of either the principal or the surety on such bond.

(c) Should the coverage of the bond required by this section be reduced by recovery or for any other reason, the surety on such bond shall immediately notify the electrical inspector, and the principal shall be suspended from all rights and privileges under this ordinance until the full amount and coverage are restored.

(d) Upon five days' written notice to the principal of the bond under this section and to the electrical inspector, the surety on such bond shall have the privilege of canceling any such bond. Cancellation of such bond shall not cancel or reduce the surety's liability on any transaction begun before 12:00 noon on the effective date of cancellation.

Section 53. Issuance of Electricians License. Upon the submission of satisfactory proof that an applicant has successfully completed the examination as a master, journeyman,

apprentice, or master sign electrician for licensing by the Southern Building Code Congress International, the International Code Congress, or the State of Texas, the electrical inspector, upon payment of such fees and upon fulfillment of such other requirements as are specified in this ordinance, shall issue to each applicant the class of license that such person is qualified to receive under the provisions of this ordinance.

Section 54. Restriction on Work Beyond Scope of License. It shall be unlawful for the holder of any license issued under the provisions of this ordinance to engage in any phase of the electrical business or perform any work in the electrical trade, other than such business or work authorized by the class of license or permit held by him. The master or journeyman electrician responsible for a project shall be present on the site whenever unlicensed labor is being used to install electrical materials, products, or equipment.

Section 55. Electricians License Not Transferable. It shall be unlawful for any person holding a license as an electrician to transfer such license or allow the use of such license, directly or indirectly, by any other person for the purpose of obtaining a permit to do electrical work as specified in this ordinance.

Section 56. Identity Card. An identity card shall be carried in person by the licensed electrician while performing electrical work, and the person shall display such card upon demand by any peace officer, the electrical inspector, or by the owner of the premises or property upon which the licensee is working. Each license shall bear a distinguishing number assigned to the licensee, the licensee's full name and a space upon which the licensee shall write his usual signature with pen and ink immediately upon receipt of the license. No license shall be valid until it has been so signed by the licensee.

Section 57. Notice of Change in Status. Whenever any person, after applying for and/or receiving an electrician's license, shall move from the address named in such application or in the license issued to him, or when the name of the licensee is changed, or when the employment of such person is changed, he shall immediately notify the electrical inspector in writing of his former name, address, his present name, address and employment, and shall give his license number.

Section 58. Duplicate Licenses. If an electrician's license issued under the provisions of this ordinance is lost or destroyed, the person to whom such license was issued may obtain a duplicate or substitute thereof upon furnishing satisfactory proof to the electrical inspector that such license was lost or destroyed and upon payment of a fee established by resolution of City Council.

Section 59. Suspension of Licenses. The City may suspend the license of any licensed contractor or electrician within the City for a period not to exceed one year after determining at a proper hearing as set out in this section that the licensee:

(1) Has committed an offense for which he has not been convicted, but for which automatic suspension of such licensee, upon conviction, would follow under the provisions of Section 60 of this ordinance;

(2) Has permitted an unlawful or fraudulent use of such license;

(3) Has committed an offense in another state, county or city, which if committed in this City would be grounds for suspension or revocation;

(4) Is a habitual violator of this ordinance;

(5) Has performed electrical work that is in violation of this ordinance or the International Electrical Code, and such work is found to be the cause or contributing cause of a fire, whether or not there is any actual damage or loss;

(6) Has performed electrical work that is in violation of this ordinance and then failed or refused to make corrections necessary for the work to conform to this ordinance;

(7) Is a habitual drunkard or narcotics user;

(8) Has defrauded any person for whom he has rendered or contracted to render service; or

(9) Has failed to use approved materials.

Section 60. Automatic Suspension of License.

(a) The license of any person shall be automatically suspended upon final conviction of any of the following offenses:

(1) Taking out a permit in the name of a person authorized to do the electrical work and thereafter permitting a person not authorized by this ordinance to do the electrical work;

(2) Tampering with, diverting from or in any way interfering with the proper action or registration of an electrical meter, as that offense is defined in V.T.C.A., Penal Code § 31.04;

(3) Employing as a master, journeyman, apprentice, or other electrician any person not then licensed as provided by this ordinance to perform work in the City;

(4) Lending or knowingly permitting the use of any license for the doing of any electrical work to any person not entitled thereto under the provisions of this ordinance;

(5) Displaying or representing as one's own a license for the doing of any electrical work when such license has not been lawfully issued to the person so displaying such license;

(6) Failing or refusing to surrender to the electrical inspector on demand any license which has been suspended, cancelled or revoked as provided by law;

- (7) Applying for or having in one's possession more than one current license of the same type provided for in this ordinance;
- (11) Displaying or causing or permitting to be displayed or having in one's possession any instrument purporting to be any license for the doing of any electrical work, knowing such instrument to be fictitious or to have been cancelled, revoked, suspended or altered;
- (12) Using a false or fictitious name, or giving a false or fictitious address in any application for any license provided for in this ordinance or any renewal or duplicate therefor, or knowingly making a false statement or knowingly concealing a material fact, or otherwise committing fraud in making such application;
- (13) Performing any character of electrical work for which a license is required, without the license required by this ordinance, or while such license is suspended, cancelled or revoked; or
- (11) For the violation of Section 24 of this ordinance.

(b) The suspension provided for in this section shall in the first instance be for a period of six months. If any license shall be suspended under the provisions of this ordinance for the second time, such second suspension shall be for a period of one year. The suspension of any license shall be automatically extended upon the licensee's being convicted of performing electrical work while the license of such person is suspended, with such extended period of suspension being for a like period as the original suspension, and in addition to any other penalty as provided in this ordinance.

Section 61. Revocation of License. If, within any three-year period, the holder of any license issued under the terms of this ordinance shall have been finally convicted three times or more for a violation of any of the provisions of this ordinance, the City may revoke and cancel such license, and upon such revocation and cancellation, such license shall be and become null and void and cannot be renewed thereafter.

Section 62. Surrender and Return of License. Any license which has been suspended or revoked shall be surrendered to and retained by the electrical inspector, except that at the end of the period of suspension of such license, the license so surrendered shall be returned to the licensee.

Section 63. Appeals. Any person denied a license or whose license has been suspended or revoked by the City, except where such suspension or revocation is automatic under the provisions of Section 60 of this ordinance, or any person who is otherwise aggrieved by a decision of the City, may appeal to the City Council, and the aggrieved shall have the right to file a petition within ten days thereafter for a hearing before the City. The City Council shall set the matter for hearing upon 14 days' written notice to the aggrieved person, and thereupon take testimony and examine into the facts of the case, and determine whether the

petitioner is entitled to a license or is subject to suspension or revocation of his license under the provisions of this ordinance.

Section 64. 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 \$2000. Each day of violation shall constitute a separate offense.

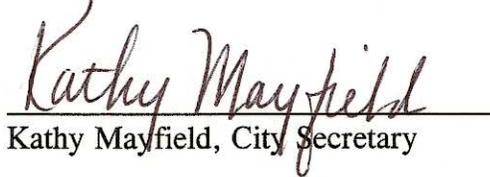
Section 65. Ordinance No. 03-903 originally passed and approved the 15th day of October 2003 is hereby repealed. All other ordinances or parts of ordinances inconsistent or in conflict herewith are, to the extent of such inconsistency or conflict, hereby repealed.

Section 65. 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 19 day of November, 2003.


Michael Dinges, Mayor

ATTEST:


Kathy Mayfield, City Secretary

JOHN SMART - MAYOR PRO-TEM	AYE
BILL ARCHER - COUNCILMAN	AYE
OWEN BEMENT - COUNCILMAN	AYE
J.B. COLLINS, JR. - COUNCILMAN	AYE
COLICE WATTS - COUNCILMAN	AYE

ORDINANCE NO. 03-905

AN ORDINANCE OF THE CITY OF FULSHEAR, TEXAS, ADOPTING AND ACCEPTING THE FORT BEND COUNTY DRAINAGE PLAN; PROVIDING IT TO BE UNLAWFUL FOR ANY PERSON TO LOCATE OR ALTER ANY STRUCTURE OR LAND WITHIN THE CITY WITHOUT COMPLYING WITH THE FORT BEND COUNTY DRAINAGE PLAN; PROVIDING A PENALTY OF AN AMOUNT NOT TO EXCEED \$2,000 FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF; AND PROVIDING FOR SEVERABILITY.

* * * * *

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

Section 1. The City Council of the City of Fulshear (the "City") hereby finds that it is in the best interest of health, safety, and welfare of the citizens of the City that the City adopt the Fort Bend County Drainage Plan and require that all land or structures located within the City comply with the Fort Bend County Drainage Plan.

Section 2. The Fort Bend County Drainage Plan is hereby adopted and accepted by the City of Fulshear. A true and correct copy of the Fort Bend County Drainage Plan is on file in the City Secretary's Office.

Section 3. It shall be unlawful for any person or entity to construct, erect, alter, or modify any land or structure located within the corporate limits of the City without complying in all applicable respects with the Fort Bend County Drainage Plan.

Section 4. 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 \$2000. Each day of violation shall constitute a separate offense.

Section 5. 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 17th day of December, 2003.


Michael Dinges, Mayor

ATTEST:


Kathy Mayfield, City Secretary

ORDINANCE NO. 03-906

AN ORDINANCE OF THE CITY OF FULSHEAR, TEXAS, PROVIDING RULES AND REGULATIONS GOVERNING THE SUBDIVISION OF LAND AND PLATS WITHIN THE CITY AND ITS EXTRATERRITORIAL JURISDICTION; PROVIDING DEFINITIONS; ESTABLISHING PROCEDURES AND REQUISITES FOR THE SUBMISSION AND APPROVAL OF PLATS; CONTAINING REQUIREMENTS AND MINIMUM DESIGN AND CONSTRUCTION STANDARDS FOR STREETS, UTILITIES, AND OTHER PUBLIC IMPROVEMENTS; PROVIDING FOR OVERSIZING AGREEMENTS AND PRO RATA REIMBURSEMENTS; CONTAINING OTHER MATTERS RELATED TO THE SUBJECT; PROVIDING A PENALTY IN 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; AND PROVIDING FOR SEVERABILITY

* * * * *

WHEREAS, Chapter 212, Texas Local Government Code, authorizes cities of the State of Texas to promulgate rules and regulations governing plats and the subdivision of land within their corporate limits and their extraterritorial jurisdictions; and

WHEREAS, such regulations are authorized in order to protect and promote the health, safety and general welfare of the community; and

WHEREAS, the City Council of the City of Fulshear, Texas, hereby finds and determines that establishing rules and regulations governing plats and the subdivision of land is necessary to ensure the safe, orderly and healthful development of the community; and

WHEREAS, a public hearing before the City Council was held on the 19th day of November 2003, at which hearing all persons desiring to be heard were heard concerning

adoption of the rules and regulations governing plats and the subdivision of land as contained herein; now, therefore,

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

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

The City of Fulshear hereby adopts these subdivision regulations to provide for the orderly, safe and healthful development of the lands within the City limits or within the City's extraterritorial jurisdiction as provided for in Chapters 42 and 212 of the Texas Local Government Code, and for the following additional purposes:

- a. To implement and give effect to the City's Comprehensive Plan and Major Thoroughfare Plan.
- b. To preserve and protect the public health, safety, and general welfare, and to preserve and protect property values within the City's jurisdiction.
- c. To ensure that adequate public facilities and services are available concurrent with development and will have a sufficient capacity to serve the proposed development.
- d. To provide for adequate light, air and privacy, to secure safety from fire, flood, and other dangers, and to prevent overcrowding of the land and undue congestion of population.
- e. To protect the character and the social and economic stability of all parts of the municipality and to encourage the orderly and beneficial development of the

community through appropriate grown management techniques, to assure proper open space separation of urban areas, to protect environmentally critical areas and areas premature for urban development.

- f. To guide public and private policy and action in order to provide adequate and efficient transportation, water, sewer, schools, parks, playgrounds, recreation, and other public requirements and facilities.
- g. To establish reasonable standards of design and procedures for subdivisions and resubdivisions in order to further the orderly layout and use of land, and to ensure proper legal descriptions and monumenting of subdivided land.
- h. To preserve the natural beauty and topography of the municipality and extra territorial jurisdiction and to ensure appropriate development with regard to these natural features.

Section 2. This Ordinance shall apply to all subdivisions of land within the City and its extraterritorial jurisdiction, except where specifically exempted herein.

Section 3. Definitions. For the purposes of this Ordinance, the following terms, phrases and words, shall have the meanings ascribed thereto. When consistent with the context, words used in the present tense shall include the future tense; words used in the singular number shall include the plural number; and words used in the plural number shall include the singular number. Any office referred to herein by title shall include the person employed or appointed for that position or his or her duly authorized representative. Terms, phrases, or words not expressly defined herein are to be considered in accordance with customary usage.

Block shall mean an identified tract or parcel of land established within a subdivision surrounded by a street or a combination of streets and other physical features and which may be further subdivided into individual lots or reserves

City shall mean the City of Fulshear, Texas, a municipality existing pursuant to the laws of the State of Texas.

City Building Official shall mean the person authorized by the City as its Building Official, or his duly authorized representative.

City Council shall mean the duly elected governing body of the City.

Commission shall mean the Planning Commission of the City.

Comprehensive Plan shall mean the general plan for growth and development of the City and its environs, including any and all applicable elements of such plan, such as a land use plan, utilities plan, drainage plan, infrastructure master plan, parks plan, and others.

Development plat shall mean a plat required to be prepared in accordance with this Chapter and designed for review and approval in order to undertake development or improvement on a previously unplatted single parcel of property located within the City or within the City's extraterritorial jurisdiction. This requirement shall not include land to be developed or used solely for agricultural (for example, farming, grazing) purposes.

Easement shall mean an area dedicated for restricted use on private property upon which a person or public or private entity has the right to remove and keep removed all or part of any building, fence, tree, shrub, or other improvement or growth that in any way endanger or interfere with the construction, maintenance, or operation of any of the respective utility, drainage, access,

or other authorized systems or facilities located within any such easement. Any such person or public or private entity owning an easement shall, at all times, have the right of unobstructed ingress and egress to, from, and upon said easement for the purpose of constructing, reconstructing, inspecting, patrolling, maintaining, or adding to or removing all or any part of the respective systems or facilities without the necessity at any time of procuring the permission of anyone.

Extraterritorial jurisdiction shall mean that area of land located outside the municipal boundaries of the City, as defined in Chapter 42 of the Texas Local Government Code.

Facilities agreement shall mean a contract entered into by the City and a developer or subdivider of property, where the developer is constructing oversized public improvements designed to serve adjacent property who will be required to make pro rata reimbursements.

Final plat shall mean a complete and exact subdivision plan prepared in conformity with the provisions of this Ordinance and in a manner suitable for recording with the County Clerk of Fort Bend County, Texas.

Lot shall mean a physically undivided tract or parcel of land having frontage on a public street or approved private street, which has been built to meet current City specifications and which is, or in the future may be, offered for sale, conveyance, transfer, lease, development, or improvement; which is designated as a distinct and separate tract; and which is identified by a tract or lot number or symbol on a duly approved subdivision plat that has been properly recorded.

Major Thoroughfare Plan shall mean the street layout plan adopted in 1987 by City Council, which is the same as the current Fort Bend County major thoroughfare plan.

Person shall mean any individual, partnership, association, entity, firm, corporation, governmental agency, or political subdivision.

Preliminary plat shall mean a map or drawing of a proposed subdivision prepared in accordance with the provisions of this Ordinance, illustrating the features of the development for review and preliminary approval by the Commission, but not suitable for recording with the County Clerk of Fort Bend County, Texas.

Replat shall mean a map or drawing of all or a portion of an existing subdivision, prepared in accordance with the provisions of this Ordinance, where the purpose is to alter the original layout of streets, lots, or other features of the development.

Street, Private shall mean a publicly owned and maintained thoroughfare or right-of-way, which provides vehicular access to adjacent land.

Street, Public shall mean a thoroughfare or right-of-way, dedicated to the public, and accepted for maintenance by the City or County, and which provides vehicular access to adjacent land.

Subdivider and/or *Developer* shall be synonymous for the purposes herein, and shall include any owner, or authorized agent thereof, proposing to divide or dividing any lot, tract, or parcel of land so as to constitute a subdivision according to the terms and provisions of this Ordinance.

Subdivision shall mean the division of any lot, tract or parcel of land, by plat, map, survey or legal description, into two (2) or more parts, lots or sites for the purpose, whether immediate or future, of sale, rental or lease, or division of ownership. Any dedication and the laying out or realignment of new streets, or other public or private access ways, with or without the creation of lots, shall constitute a subdivision. The term shall also include the resubdivision and replatting of land or lots that are part of a previously recorded subdivision. An "addition" shall mean a subdivision, as defined herein. The term "subdivision" shall also include the division of land, whether by plat or by metes and bounds description, and when appropriate to the context, shall relate to the process of subdividing or to the land subdivided.

Title certificate shall mean a certificate prepared and executed by a title company authorized to do business within the State of Texas, or an attorney licensed with the State of Texas, describing all encumbrances of record that affect the property, together with all recorded deeds. Such certificate shall include a description of all property included within the platted area, and such certificate shall not have been executed more than thirty (30) days prior to submission of same to the Commission.

Section 4. Special Provisions.

A. Plat Approval Required. It shall be unlawful for any person to subdivide any tract, lot, or parcel of land within the City or within the extraterritorial jurisdiction of the City, unless and until preliminary and final plats of such subdivision, or a development plat of a single unplatted lot have been approved in accordance with the terms of this Ordinance, unless such division is specifically excepted from platting requirements by this Ordinance. Unless and until a

preliminary and a final plat, plan or replat of a subdivision shall have been first approved in the manner provided herein by the Commission, it shall be unlawful for any person to construct or cause to be constructed any street, utility facility, building, structure, or other improvement upon any lot, tract, or parcel of land within such subdivision, except as specifically permitted herein. In addition, it shall be unlawful for any official of the City to issue any permit for such improvements, or any aspect thereof, or to serve or connect said land, or any part thereof, with any public utility that may be owned, controlled, or distributed by the City. Provided, further, it shall be unlawful for any person to serve or connect any lot, tract, or parcel of land within any such subdivision with any utility service or facility, unless and until a final plat of such subdivision has been approved in accordance herewith.

B. Improvements Required. All improvements required under the City's applicable regulations shall be constructed at the sole expense of the Developer. These improvements may include, but are not limited to those specified in the City's Comprehensive Plan, the City's design standards, other ordinances, applicable County and Drainage District regulations, and improvements which, in the judgment of the Commission and Council, are necessary for the adequate provision of streets, drainage, utilities, municipal services and facilities to the subdivision.

C. Variance. The rules and regulations provided herein or incorporated hereby are the minimum standards and requirements of the City. A variance from any such rule or regulation may be granted by City Council, only upon a good and sufficient showing by the owner that (1) there are special circumstances or conditions affecting the property in question;

and (2) that enforcement of the provisions of this Ordinance will deprive the applicant of a substantial property right; and (3) that if a variance is granted it will not be materially detrimental to the public welfare or injurious to other property or property rights in the vicinity. Each and every application for a variance shall be decided solely and entirely on its own merits, and the disposition of any prior or pending application for a variance shall not be allowed to enter into or affect any decision on the application in question. Financial interests shall not be considered as a basis for the granting of a variance. No application for a variance shall be considered, unless submitted to the Council, in writing, no later than the date application for final plat approval is submitted.

D. Non-maintenance of Streets. The City shall not repair, maintain, install, or provide any streets or public utility services within any subdivision for which a final plat has not been approved and filed of record, or within which the standards contained herein or referred to herein have not been complied with in full; unless such streets have been separately accepted for maintenance by action of Council. In no instance shall the City or its taxpayers bear any responsibility for repairing, maintaining, installing, or constructing any streets or public utility services within any subdivision located within the extraterritorial jurisdiction of the City, except as may be provided for by separate agreement.

E. Exceptions. The provisions of this Ordinance shall not be construed to prohibit the issuance of permits for construction on any lot that was in existence prior to the effective date of this Ordinance, or to prohibit the repair, maintenance, or installation of any street or public utility service for, to, or abutting any lot, the last recorded conveyance of which, prior to the

effective date of this Ordinance, was by metes and bounds, and/or any subdivision, or lot therein, recorded or unrecorded, which subdivision was in existence prior to the effective date of this Ordinance.

The described subdivisions are further exempted from the requirements of this ordinance:

1. land to be developed or used for agricultural (for example, farming, grazing) purposes. Prima facie evidence of such use shall be determined by the tax designation applied to the property by the Fort Bend Central Appraisal District.

F. Authorized Agent. A person may act as agent for a subdivider/developer upon submission, with each application for preliminary and/or final plat approval, of a notarized Power of Attorney, and such certification being dated not more than thirty (30) days prior to the date of filing such application. Such Power of Attorney must specifically authorize the applicant to act on behalf of the subdivider/developer, must specifically identify the tract proposed for subdivision, and must state that the Power of Attorney authorizes the agent to execute all necessary documents and dedicatory statements necessary to effect final plat approval and recording thereof.

G. Oversizing and Pro Rata Reimbursement Requirements.

1. The subdivider/developer shall be required to pay all costs of engineering, design, layout, construction and installation of all infrastructure required by this ordinance and other applicable regulations that is necessary and required to serve his development.

2. There shall be no participation by the City for payment of any infrastructure within a subdivision except when oversized facilities are required by the City to serve development beyond the subdivision. In such case, the terms and extent of City participation will be considered in each case by the council, considering the merits of each case and the conditions involved, and shall be in accordance with policies set forth by the council, or as required by law.

3. If it is necessary for the subdivider to extend City utilities through undeveloped property, the developer may be entitled to recovery of the costs of such extension of City utilities through agreed pro-rated collection of fees when the property is developed.

4. The commission and council may disapprove a plat whenever it is evident that adequate public facilities cannot, or will not, be supplied within a reasonable time, that is, concurrent with the estimated pace of construction.

5. For the purposes of this section, "oversize" shall mean that the capacity of the facility exceeds the capacity necessary to serve the development being platted. In the case of phased developments, all phases shall be considered in evaluating capacity requirements to serve the development. A determination of whether facilities are required to be oversized shall be reached during the preliminary platting phase of a development or sooner if the subdivision elects to submit a master or concept plan, or to have a pre-submission conference with City staff, as provided for in this chapter. Such determination shall be based on engineering reports and analyses, traffic impact analysis, the City's

master plan and other relevant information in the possession of the City, or requested to be supplied by the subdivider.

H. Pro Rata Payments.

1. Should an owner or developer, whose property fronts on a street, alley and/or easement containing an existing water or sewer main, subdivide or develop such property, he shall pay the pro rata charges on all property owned by him for the front footage along the street, alley and/or easement where the City's mains are located.

2. The developer shall be fully responsible for the construction of oversize or off-site access, utilities, drainage, and other improvements necessary for his subdivision and the surrounding area, unless other provisions are approved by the City Council. Provisions for reimbursement of costs in excess of those necessary to serve his subdivision, and any other provisions, shall be made a part of the facilities agreement. For any subsequent subdivision utilizing such facilities, any costs due prior developers shall be prorated as the use by the new subdivision bears to the amount due. Such prorated amounts will be made a part of any subsequent facilities agreement, collected by the City, and repaid to the original developer making such improvements.

3. All such reimbursements or prorations shall be based on the actual cost of the improvements at the time of their construction, subject to comparison with other current unit and/or project costs. The original developer shall therefore provide the City with acceptable documentation of actual construction costs from which calculation of reimbursable amounts will be made for inclusion in the facilities agreement.

4. In the case that the subdivision shall utilize streets, utilities, drainage, or other facilities already constructed through the use of funds of the City, the developer shall pay to the City for the use of such facilities an amount equal to that which would be required to serve the subdivision under the requirements of this chapter, based upon policies as may be developed and approved by the City Council.

5. In the event a developer of property within the City or the extraterritorial jurisdiction constructs at his cost offsite roadway improvements as designated on roads on the City's thoroughfare plan, the developer shall be entitled to and shall receive reimbursement for the costs incurred in constructing or causing to be constructed such roadway improvements. Upon the event of such construction and as a condition precedent to the approval by the City of the earlier of the submission of a preliminary or final subdivision plat or the commencement of actual development (if a final plat is already filed by the owner of property adjacent to a roadway constructed by the developer), the adjacent property owner shall reimburse the developer for the adjacent owner's pro rata share (as calculated below) of the costs incurred by the developer in connection with the roadway improvements.

6. The reimbursable cost of the roadway improvements shall include, but shall not be limited to, acquisition of rights-of-way, easements, design, legal and engineering fees, and all costs of construction, including, but not limited to, grading, paving, curbs and gutters, medians and improvements thereto, utilities, utility taps, drainage facilities, sidewalks, pedestrian ways, traffic signing, landscaping, and street

lighting. All pro rata payments levied are a personal liability and charge against the real and true owners of the premises described, notwithstanding such owners may not be named, or may be incorrectly named.

Section 5. Procedure for Submission of Plats.

A. Preliminary Conference. Prior to the official filing of a preliminary plat, the subdivider may consult with City staff for comments and advice on the procedures, specifications, and standards required by the City as conditions for subdivision plat approval.

B. Application for Preliminary Plat Approval. Any person desiring approval of a preliminary plat shall first file, in triplicate, an Application for Preliminary Plat Approval. Forms for such application shall be kept on file with the City Secretary and shall be in a form approved by the Commission. Consideration of a preliminary plat by the Commission shall not occur unless a fully completed and executed application, with all required documents and fees, has been filed in accordance with this Ordinance. If the form of the Application or plat submitted therewith does not conform with or meet the minimum requirements of this Ordinance, the Chairman of the Commission is hereby authorized to deny, on behalf of the Commission, any Application for preliminary plat approval.

1. Submittal Date and Time. All plats, maps, reproductions, fees, applications, and related materials shall be submitted to the City Secretary not later than three o'clock (3:00) p.m., twelve (12) days prior to the next regular Commission meeting. Materials received after three o'clock (3:00) p.m. on the date specified herein shall automatically be placed on the agenda of the second regular meeting of the Commission following submittal.

2. Copies Required. The applicant shall provide eleven (11), twenty-four inch by thirty-six inch (24" x 36") paper prints from the original drawing of the plat,

reproduced on white paper with blue or black lines, each of which shall be folded to eight and one-half inches by fourteen inches (8-1/2" x 14".)

3. Filing Fees. An Application for Preliminary Plat Approval shall be accompanied by a nonrefundable application fee, tendered in the form of a check made payable to the "City of Fulshear, Texas," in the amounts adopted, and from time to time amended, by the City Council and on file with the City Secretary of the City.

4. Encumbrances Information. Initial plat submittals shall be accompanied with a title opinion or a statement or certificates, either in separate writing or on the plat, executed by the applicant or the person who prepared the plat, which certifies that all existing encumbrances other than liens, such as various types of easements, fee strips, or significant topographical features on the land being platted, are fully shown and accurately identified on the face of the plat and, further, stating whether the plat being submitted includes all of the contiguous land that the subdivider owns directly or indirectly, or has a legal or beneficial interest in, or whether the subdivider owns or has a legal interest in any adjacent property. If the subdivider owns or has a legal interest in any adjacent property, the extent of such ownership and a boundary description of the land involved shall also be provided.

5. Notice to Utilities. Evidence of notice to all utility companies that provide service to the area encompassed by the proposed subdivision, whether public or private, shall accompany each Application for Preliminary Plat Approval. Such notice shall contain a statement of the intent to subdivide, the intended use of the property within the subdivision, and shall have attached to such notice a copy of the preliminary plat that is filed within the City.

6. Environmental Assessment. The Owner shall obtain a Phase I environmental assessment to determine that there are no hazardous materials on the area to be developed. If hazardous materials are found, appropriate remediation should be performed in accordance with Texas Commission on Environmental Quality standards.

7. Special Studies. The Owner shall comply with all federal and state laws pertaining to archeological, geological, wetlands, and endangered species applicable to the property.

C. Form and Content of Preliminary Plats. All preliminary plats submitted to the Commission shall be in the form, and contain fully all information and/or language required hereunder:

1. The proposed name of the subdivision or development, which shall not be a duplicate of any subdivision or development of record within Fort Bend County, Texas;
2. The legal description of the property proposed to be subdivided, including the name of the County, survey, and abstract number, together with reference to at least one established corner of a nearby recorded subdivision or the nearest public street right-of-way intersection;
3. The total acreage, and total number of lots, blocks, and reserves;
 - a. proposed use of land;
 - b. setbacks;
 - c. green or open space;
 - d. easements and rights of way; and
 - e. pipelines, including setbacks, and available information on the content and what the pipeline is engineered for.
4. The name(s) of the owner(s) of the property. If the owner is other than a natural person, the name of the principal officer, or owner, of the entity that owns such property,
5. The name of the person or firm who prepared the plat;
6. The date on which the plat was drawn;
7. The north point. The drawing of the subdivision shall be oriented with north to the top of the drawing;
8. The scale shall be drawn numerically and a graphic scale shall be provided. The scale acceptable for a preliminary plat shall be one inch equals one-hundred feet (1":100');
9. A scale vicinity map, shall be provided and made a part of the plat indicating the general location of the subdivision and its relationship with well-known streets, railroads, water courses, and similar features in all directions from the subdivision to a distance not less than one-half (1/2) mile. The scale of the vicinity map shall be to

legible scale and shall be oriented with north to the top of the drawing that shall also be the same direction as the detailed subdivision drawing;

10. The plat boundaries shall be drawn with heavy lines to indicate the subdivided area with overall survey dimensions and bearings. Lines outside the plat boundary shall be drawn as dashed lines;

11. The adjacent areas outside the plat boundaries shall be identified indicating the name of adjacent subdivisions (including recording information), the names of the recorded owners of adjacent parcels of land, churches, schools, parks, bayous, and drainage ways, acreage, and all existing streets, easements, pipelines, and other restricted uses;

12. The location and approximate width of existing and proposed water courses, ravines, and drainage easements, topographical elevations; and the boundaries of designated flood zones, as provided in the latest edition of the *Federal Insurance Rate Map* as published by the Federal Emergency Management Agency. All such information required herein shall be certified by a Registered Professional Land Surveyor and/or a Registered Professional Engineer authorized to do business in the State of Texas;

13. Contours with intervals of five-tenths foot (0.5'), referred to sea level (U.S. Coast and Geodetic Survey) datum, as required to show at least two (2) contours within and adjacent to the subdivision. If the change in elevation throughout the property to be subdivided is less than one foot (1'), then the plat is to clearly show the outfall drainage plan and identify basis of control and temporary benchmark set within the subdivision;

14. The location and identification of all tracts not designated as lots within the boundaries of the plat. Such tracts, if not restricted for specific uses, shall be identified as "Unrestricted Reserve." "Restricted Reserves" shall be indicated on the plat and shall be designated as single-family residential, utility, church, park, recreational, school, or other specific use;

15. The location, widths, and names, of all existing or proposed streets, roads, alleys, and easements, within the plat boundaries or immediately adjacent thereto, the location of all existing permanent buildings within the plat boundaries, and all existing easements and other important features, such as section lines, political subdivision, or corporate limit lines, on all sides for a distance of not less than two hundred (200) feet. A traffic impact study may also be required to be completed by the Developer, on recommendation by the Commission to assure that adequate public facilities for transportation generated by the proposed development are being provided.

16. The names of all existing and proposed streets located within the plat boundaries or immediately adjacent thereto;

17. The location of all lots, blocks, building setback lines, and other features, within the plat boundaries, with approximate dimensions;

18. Existing sewers, water and gas mains, culverts, bridges, pipelines, structures, or public utilities within the tract and immediately adjacent thereto with pipe sizes, grades, and locations indicated;

19. The proposed layout of the subdivision, showing streets, blocks, lots, alleys, easements, building lines, and parks, with principal dimensions; and

20. A letter certifying that water and sewer service is available to the subdivision, and that such services will be provided, from the appropriate utility provider, or a letter certifying that private wells and septic system will work on the property.

D. Application for Final Plat Approval. Any person desiring approval of a final plat shall first file an Application for Final Plat Approval. Forms for such applications shall be kept on file with the City Secretary and shall be in a form approved by the Commission. Consideration of a final plat by the Commission shall not occur unless a fully completed and executed application has been filed in accordance with this Ordinance. The Chairman of the Commission is hereby authorized to deny, on behalf of the Commission, any Application for Final Plat Approval that is not fully completed and executed in accordance with this Ordinance.

1. Time for Filing. All plats, maps, reproductions, fees, applications, and related materials shall be submitted to the City Secretary not later than three o'clock (3:00) p.m., fifteen (15) days prior to the next regular Commission meeting. Materials received after three (3) o'clock p.m. on the date specified herein shall automatically be placed on the agenda of the second regular meeting of the Commission following submittal.

2. Copies Required. The applicant shall provide eleven (11) twenty-four inch by thirty-six inch. (24" x 36") paper prints from the original drawing of the plat reproduced on white paper with blue or black lines, each of which shall be folded to eight and one-half inches by fourteen inches (8-1/2" x 14"). All materials shall also be submitted in electronic format acceptable to Fort Bend County.

3. Filing Fees. An Application for Final Plat Approval must be accompanied by a nonrefundable application fee tendered in the form of a check made payable to the "City of Fulshear, Texas," in the amounts adopted, and from time to time amended, by the City Council and on file with the City Secretary of the City.

4. Certificates of Availability of Utilities. Each final plat shall be accompanied by a written certification from each entity, whether public or private, from which utility services are to be received, certifying the availability of same, and that such entity agrees to provide its respective utility service to the subdivision. In addition, where applicable, each such entity providing utility services shall certify approval or conformance of the construction plans to ensure compliance with such utility entity's construction standards.

E. Form and Content of Final Plat. All final plats shall incorporate all of the provisions relating to preliminary plats as provided in paragraph C of Section 5 of this Ordinance and, where appropriate, reflect any conditions and requirements of final approval previously imposed by the Commission, together with the following additional requirements:

1. The final plat shall be drawn on stable plastic film, such as Mylar or positive photographic film, with black lines and image and shall be made suitable for the reproduction of direct positive prints and reproductions;

2. Scale for a final plat drawing shall be one inch equals fifty feet (1":50');

3. All engineering and surveying data shall be shown on the final plat sufficient to locate all of the features of the plat on the ground. This data shall include, but not be limited to, full dimensions along all boundaries of the plat; street and alley rights-of-way; easements; drainage ways, gullies, creeks, bayous, together with the location of the high bank of such drainage ways and water courses; lots; blocks; reserves; out tracts, or any other tracts designated separately within the plat boundaries; fee strips, or any other physical or topographical features necessary to be accurately located by surveying methods. Such information shall include line dimensions, bearings of

deflecting angles, radii, central angles and degree of curvature, length of curves and tangent distances, all of which are to be shown in feet and decimal fractions thereof;

4. The name of the current owner and their address. If the record owner is a company or corporation, the name of the responsible individual, such as the president or vice president;

5. The name and seal of the Registered Professional Land Surveyor and/or Registered Professional Engineer responsible for preparing the plat;

6. The date of submittal or the date of submittal of each subsequent revision;

7. All streets and alleys with street names, or other rights of way, widths measured at right angles or radially (where curved), complete curve data (R, L, P.C., P.R.C., and P.T.) length and bearing all tangents between curves;

8. Building lines and easements shall be shown and shall be defined by dimension. All principal lines shall have the bearing given and deviation from the norm indicated. The plat must provide a note stating that all existing pipelines or pipeline easements through the subdivision have been shown or that there are no existing pipeline easements within the limits of the subdivision;

9. All field surveys shall be accurate to, and performed in accordance with, the appropriate provisions of the current edition of the *Manual of Practice Standards for Surveying in Texas*, as periodically published by the Texas Society of Professional Surveyors. Linear dimensions shall be expressed in feet and decimal fractions thereof of a foot; angular dimensions may be shown by bearings in degrees, minutes, and seconds. Curved boundaries shall be fully described and all essential information given. Circular curves shall be defined by actual length of radius and not by degree of curve;

10. The intended use of all lots within the subdivision shall be identified on the plat. All tracts not designated as lots within the boundaries of the plat shall be identified as provided herein; and

11. All dedication statements and certificates shall be made a part of the final plat drawing and shall conform in form and content to the form of statements and certificates set forth in Appendix A to this Ordinance, which is incorporated herein and made a part hereof for all purposes.

F. Plat Drawing, Reproductions, and Filing. The original plat drawing for an approved final plat shall be submitted to the Commission on a suitable permanent translucent material that the Commission shall, by written rule and from time to time, designate, including, but not limited to, tracing linen, plastic film, or positive photographic film with lines, with lettering and signatures in black ink or image. The names of all persons signing any such plat shall also be lettered under the signature line. Two (2) paper prints from the original plat drawing (white paper with blue or black lines) and one (1) positive vellum or film transparency shall also be provided. Filing of such final plats with the County Clerk of Fort Bend County, Texas, for recording, shall be made by the City. Such filing shall not be made until (a) completion by the developer of all improvements required as a condition of plat approval and acceptance of such improvements by the City Engineer and City Council or, (b) the filing of a sufficient guarantee of such performance by the developer in accordance with the requirements herein stated. Such filing by the City shall be made promptly upon satisfaction of either condition.

G. Title Report. A current title report, statement or opinion, title policy or certificate or letter from a title company authorized to do business in the State of Texas, or an attorney licensed as such in the State of Texas, shall be provided certifying that, within thirty (30) days prior to the date the final plat is dated and filed with the Commission, a search of the appropriate records was performed covering the land proposed to be platted and providing the following information concerning the title to said land:

1. The date of the examination of the records;

2. A legal description of the property lying within the proposed subdivision, including a metes and bounds description of the boundaries of said land;

3. The name of the record owner of fee simple title as of the date of the examination of the records, together with the recording information of the instruments whereby such owner acquired fee simple title;

4. The names of all lienholders, together with the recording information and date of the instruments by which such lienholders acquired their interests;

5. A description of the type and boundaries of all easements and fee strips not owned by the subdivider of the property in question, together with certified copies of the instruments whereby the owner of such easements or fee strips acquired their title, and the recording information for each such instrument; and

6. A tax certificate from each city, county, school, utility, or other governmental entity in which the land being platted is located showing that no delinquent taxes are due such entity for the property being platted.

H. Commission Action. The Commission shall review each plat submitted to it on a preliminary basis and upon a final basis. The Commission shall approve any plat if it is in compliance with all provisions of this Ordinance and other rules and regulations as may have been or may be adopted by the City Council governing plats and/or the subdivision of land. Upon the receipt of a plat, the Commission shall review and act on preliminary plats within a reasonable time, but, in accordance with State law, must review and act on final plats within thirty (30) days from the date of such application with the submittal date not being counted within said 30 day period. Within these time constraints, Commission may take the following actions:

1. Grant preliminary approval or preliminary approval with conditions;
2. Defer preliminary action until the next regular meeting;

3. Grant final approval, if in conformance with the conditions of preliminary approval or final approval subject to additional conditions; or

4. Disapprove any plat, either preliminary or final, if the Commission determines that such plat fails to comply with the policies, standards, or requirements contained in this Ordinance or other rules or regulations as may have been adopted by the City Council governing plats and/or the subdivision or land.

I. City Council Action. Council shall review each plat submitted to it on a preliminary basis and upon a final basis, following review and recommendation by Commission. Council shall approve any plat if it is in compliance with all provisions of this Ordinance and other rules and regulations as may have been or may be adopted by the City Council governing plats and/or the subdivision of land. Upon the receipt of a plat, the Council shall review and act on preliminary plats within a reasonable time, but, in accordance with State law, must review and act on final plats within thirty (30) days from the date of application with the submittal date not being counted within said 30 day period. Within these time constraints, Council may take the following actions:

1. Grant preliminary approval or preliminary approval with conditions;
2. Defer preliminary action until the next regular meeting;
3. Grant final approval, if in conformance with the conditions of preliminary approval or final approval subject to additional conditions; or
4. Disapprove any plat, either preliminary or final, if the Council determines that such plat fails to comply with the policies, standards, or requirements contained in this Ordinance or other rules or regulations as may have been adopted by the City Council governing plats and/or the subdivision or land.

J. Effect of denial of plat by Commission. Should the Commission deny any plat, the applicant shall have the choice of withdrawing the plat to correct any deficiencies, and

then resubmitting such plat to Commission and subsequently to Council, or may continue the plat application, with a negative recommendation, to Council. This appeal process shall be a necessary step prior to the initiation of any litigation against the City.

K. Expiration of Plat Approval.

1. All preliminary plat approvals granted by the Commission or Council, and the conditions thereon, if any, shall be valid for a period of twelve (12) months from the date on which the approval was granted.

2. All final plat approvals granted by the Commission or Council and the conditions thereon, if any, shall be valid for a period of twelve (12) months from the date on which the final approval was granted.

3. Extension of approvals. The Council may, upon receipt of a written request from the subdivider or his authorized agent, prior to the expiration date of a preliminary or final plat approval, extend the term of approval for any time period not to exceed an additional twelve (12) months. The maximum term for approval of any preliminary or final plat that has not been duly recorded shall not exceed a total of twenty-four (24) months from the date on which the Council granted preliminary or final plat approval.

Section 6. Parkland Dedication Requirements.

A. Purpose.

1. The purpose of this section is to provide recreational areas in the form of neighborhood and regional parks and trail systems linking public areas and subdivisions, as a function of subdivision development within the City of Fulshear, Texas, and its extraterritorial jurisdiction. It is hereby declared that recreational areas in the form of neighborhood parks are necessary and in the public welfare, and that the only adequate

procedure to provide for same is by integrating such a requirement into the procedure for planning and development property or subdivisions within the City.

2. Neighborhood parks are those parks providing for a variety of outdoor recreational opportunities and within convenient distances from a majority of the residences to be served thereby. Park zones shall be recommended by the Commission or as delegated by Council and shown on an official parks and recreation map for the City of Fulshear, which shall be adopted by the City Council, and shall be prima facie proof that any park located therein is within such a convenient distance from any residence located therein. The primary cost of neighborhood parks should be borne by the ultimate residential property owners who, by reason of the proximity of their property to such parks, shall be the primary beneficiaries of such facilities. Therefore, the following requirements are adopted to effect the purposes stated.

3. Regional parks are those parks not primarily serving a specific neighborhood, but rather designed to serve the entire City and its extraterritorial jurisdiction, such as ballparks and soccer field complexes, and trail systems which connect various neighborhoods.

4. Parks dedicated to a municipal utility district shall be considered public parks.

B. General requirement for land to be used for single-family, duplex, and/or multi-family residential purposes.

1. Whenever a final plat is filed of record with the County Clerk of Fort Bend County for development of a residential area in accordance with this Ordinance, such plat shall contain a clear fee simple dedication of an area of land to the City (or to a municipal utility district) for neighborhood park purposes, which area shall equal one (1) acre for each one, hundred (100) proposed dwelling units. Any proposed plat submitted to the City for approval shall show the area proposed to be dedicated under this section. The required dedication of this section may be met by a payment of money in lieu of land, the pledge of security guaranteeing a future dedication of park land, or the provision of private neighborhood park land when permitted or required by the other provisions of this section. Subject to City Council approval, the developer of a project containing at least three hundred (300) acres, which has received concept plan approval and which provides for a park area outside of the area currently being platted may, in lieu of the dedication of park land by the current plat, elect to provide an irrevocable letter of credit or other security instrument approved by the City in the amount set forth in paragraph C.3. Such letter of credit or other security instrument shall guarantee that the developer will dedicate the amount of land required by paragraph A of this section, in the park area designated in

the concept plan, within three (3) years after the date of the letter of credit or other security instrument. If such park land has not been dedicated by the third anniversary date of the security instrument, the City shall be entitled to collect the monies guaranteed by the instrument as a cash payment in lieu of land or may allow the developer to extend the deadline for dedication of such park land to a date designated by the City. Such letter of credit or other security instrument shall be submitted to and approved by the City prior to final plat approval. Provided, however, the developer may elect to record upon the final plat the following notation: "No building or other permit, except permits for construction of public improvements, will be issued by the City of Fulshear, Texas, for construction within the subdivision until such time as the security instrument required under the provisions of Section 7.E. of this Ordinance, has been submitted to and accepted by the City." In the event the developer places the above notation upon the final recorded plat of the subdivision in lieu of providing the security instrument, the City shall not issue any permits for construction within the subdivision, except permits to construct public improvements, until such time as a security instrument satisfying the requirements of this Section is submitted to and accepted by the City.

2. In instances where an area of less than five (5) acres is required to be dedicated, the City shall accept or reject the dedication of such public park within sixty (60) days following approval of the preliminary plat after consideration by the commission and the Council. In the event the City determines that sufficient park area already is in the public domain in the area of the proposed development, or if the recreation potential for that zone would be better served by expanding or improving existing parks, then the proposed dedication will be disallowed and the developer shall be required to make payment of cash in lieu of land, as provided by paragraph C of this section.

3. The dedication required by this section shall be made by filing of the final plat or contemporaneously by separate instrument unless additional dedication is required subsequent to the filing of the final plat. If the actual number of completed dwelling units exceeds the figure upon which the original dedication was based, such additional dedication shall be required, and shall be made by payment of the cash in lieu of land amount provided by paragraph C.3. of this section, or by the conveyance of an entire numbered lot to the City.

C. Money in lieu of land dedication for neighborhood parks.

1. Subject to approval of the City Council and the provisions of Section B.2. above, a developer responsible for dedication of neighborhood parkland under this section may elect to meet the requirements of paragraph B of this section, in whole or in part, by a cash payment in lieu of land, in the amount of three-hundred and fifty dollars

per dwelling unit. Such payment in lieu of land shall be made at or prior to the time of final plat approval. Provided, however, the developer may elect to record upon the final plat the following notation: "No building or other permit, except permits for construction of public improvements, will be issued by the City of Fulshear, Texas, for construction within the subdivision until such time as the payment of money in lieu of park land required under the provisions of Section 6.C.1 of Ordinance No. 03-906, has been submitted to and accepted by the City." In the event the developer places the above notation upon the final recorded plat of the subdivision in lieu of making the payment of money in lieu of park land, the City shall not issue any permits for construction within the subdivision, except permits to construct public improvements, until such time as the payment of money in lieu of park land required by this Section C is submitted to and accepted by the City.

2. The City may, from time to time, decide to purchase land for parks in or near the area of actual or potential development. If the City does purchase park land within a park zone, subsequent park land dedications for that zone shall be in cash only, and calculated to reimburse the City's actual cost of acquisition and development of such land for parks. The cash amount shall be equal to the sum of (a) the average price per acre of such land, and (b) the actual cost of adjacent streets and on-site utilities, or an estimate of such actual cost provided by the Mayor. Once the City has been reimbursed entirely for all such park lands within a park zone, this paragraph shall cease to apply, and the other paragraphs of this section shall again be applicable.

3. To the extent that paragraph C.2. of this section is not applicable, the dedication requirement shall be met by a payment in lieu of land computed on the basis of three hundred fifty dollars (\$350.00) per dwelling unit.

D. Private neighborhood park land in lieu of dedicated park land.

1. A developer responsible for dedication under this section may elect to meet up to fifty percent (50%) of the requirements of paragraph B of this section by the provision of private neighborhood park land. Credit for private park land will be governed by the following criteria:

a. The land offered as private neighborhood park land must be open and accessible to all residents of the platted subdivision. Land or facilities that are excluded to a portion of the subdivision residents will not be considered as private neighborhood park land.

b. Land which is unencumbered by easements, detention areas, lake and drainage channel borders, or other similar characteristics will qualify for

private neighborhood park land at full credit. Land that has recreation facilities on it such as tennis courts, swimming pools, playing fields, recreation buildings, etc., will also qualify for full credit.

c. Land which is encumbered by easements, detention areas, lake and drainage channel borders, or other similar characteristics shall not qualify for credit as usable park space, unless it contains active uses as outlined below.

(1) Pipeline or utility easements, or areas along lake borders and drainage ditches shall have:

(a) Hike/bike all-weather paths, landscaping and sodding installed according to the construction standards of the City. Paths must also be connected to recreational areas as part of an open space system; and

(b) An average minimum width of thirty feet (30') and a minimum width of twenty feet (20').

(c) Side slopes not to exceed a three to one (3:1) ratio, unless otherwise approved by the City;

2. Maintenance responsibility for areas offered as private neighborhood park land must be identified with the submission of a preliminary plat.

3. Land offered for private neighborhood park land credit, which is less than three acres in size, is generally discouraged unless it is an integral part of the private park and open space provisions of the subdivision. A list of landscaping and other improvements of special uses planned for areas of land less than one-half acre in size shall be submitted with the preliminary plat.

E. Contribution for Regional Parks

In addition to the provisions for neighborhood parks by dedication of land or the payment of fees in lieu thereof as described above, a developer shall contribute an additional three-hundred, fifty dollars (\$350.00) per dwelling unit for the development of regional parks. Such payment shall be made in the manner described in Section C.1., above.

F. Comprehensive plan considerations. Land shown in the Comprehensive Plan as being suitable for development of the City for a major recreation center, park, or other public use, shall be reserved for a period of one (1) year after the preliminary plat is approved by the City if within two (2) months after such approval the City Council advises the subdivider of its desire to acquire the land or of the interest of another government unit to acquire the land, for purchase by the interested governmental authority at land appraisal value at the time of purchase. A failure by the City Council to so notify the subdivider shall constitute a waiver of the right to reserve the land. Any waiver of the right to reserve the land shall no longer be effective if the preliminary plat shall expire without adoption of a final plat.

G. Special funds, right to refund.

1. There is hereby established special funds for the deposit of all sums paid in lieu of land dedication under this section, which funds shall be known as the "Park Land Dedication Fund" and the "Regional Park Fund." Additional subfunds may be established as appropriate to track funds for different zones, if established, or different regional parks.

2. The City shall account for all sums paid in lieu of land dedication under this Section 6.E., with reference to the individual plats involved. Any funds paid for such purposes must be expended by the City within five (5) years from the date received for acquisition or development of a neighborhood park, or ten years for a regional park, as defined herein. Such funds shall be considered to be spent on a first in, first out basis for each park zone. If not so expended, then on the last day of such period, the then current owners of the property for which money was paid in lieu of land dedication shall be entitled to a pro rata refund of such sum, computed on a square footage of area basis. The owners of such property must request such refund within one (1) year of entitlement, in writing, or such right shall be barred.

H. Additional requirements, definitions.

1. Any land dedicated to the City or provided as private neighborhood park land under this section must be appropriate for park and recreation purposes. The City reserves the right to reject any land that it deems as unsuitable for such purposes.

2. Drainage areas may be accepted as part of a park if the channel is constructed in accordance with City construction standards, the land is appropriate for park use, and if no significant area of a park is cut off from access by such channel.

3. Each park must have ready access to a public street.

4. Unless provided otherwise herein, an action by the City shall be by the City Council, after consideration of the recommendations of the commission and the Council. Any proposal considered by the commission under this section shall have been reviewed by the Council, and its recommendation shall be given to the commission.

5. This section shall become effective upon adoption by the City Council. Land under a concept plan previously reviewed and approved by the City will be exempt from provisions of this section for a period of four (4) years from the date of final adoption of this chapter. After four (4) years, any residential subdivision or section thereof not final platted will be subject to the provisions of this section.

Section 7. Design Standards. The City of Fulshear Design Standards are attached hereto as Exhibit "B" and incorporated herein for all purposes. Where such Design Standards or this Ordinance are silent, the Design and Construction Standards of Fort Bend County shall apply. Where there is a conflict between any two such standards, the more stringent requirement shall apply.

A. Compliance with Design Standards. No plat shall be approved by the Commission, and no permit shall be issued for the construction of any improvement intended for public use, or for the use of purchasers or owners of lots fronting or adjacent to such improvement, and no improvement intended for public use shall be accepted by the City, unless any such improvements shall comply with the City's Design Standards.

B. Compliance with Other Regulations. All improvements required by this Ordinance shall conform to the City's Comprehensive Plan, this Ordinance, and any other ordinance or regulation of the City applicable thereto. All improvements shall further conform to

all regulations established by any other governmental entity having jurisdiction over development of land within Fort Bend County.

C. Public Streets – General Arrangement and Layout. The public street system pattern proposed within any subdivision shall comply with design standards of this section and shall:

1. provide for adequate vehicular access to all properties within the subdivision plat boundaries;
2. provide adequate street connections to adjacent properties to ensure adequate traffic circulation within the general area;
3. provide a local street system serving properties to be developed for residential purposes which discourages through traffic while maintaining sufficient access and traffic movement for convenient circulation within the subdivision and access by fire, police and other emergency services personnel; and
4. provide a sufficient number of continuous streets to accommodate the traffic demands generated by new development.

D. Streets: Specific Standards.

1. Public or Private Ownership. The location and alignment of streets proposed to be constructed within a subdivision or development shall be designed in conformance with the construction standards adopted by the City, whether such streets are to be dedicated to the public or retained in private ownership and control. Private streets shall be allowed only upon explicit approval by the City Council.

2. Right-of-Way Width, Widening. The width of the right-of-way to be dedicated for any street shall be at least sixty feet (60'). In those instances where a subdivision plat is located adjacent to an existing public street with a right-of-way width less than sixty feet (60'), sufficient additional right-of-way shall be dedicated within the subdivision plat boundary to accommodate the development of the street to a total right-of-way width of not less than sixty feet (60'). Notwithstanding the foregoing, the Commission may, on written application, and at its discretion authorize a street right-of-way width of not less than fifty feet (50') where such street cannot reasonably be made to continue or extend onto an existing, approved, proposed, or possible future street, is so located that logically it could not be extended to connect with an existing, approved, or

proposed street, there is not a likelihood that it would inhibit the ability of the City to provide emergency services from fire, police, medical, or other rescue personnel.

3. Lots Required to Front on Street. All lots shown on the plat shall abut a public street, or a private street that shall meet all requirements herein for public streets. All lots shown on the plat shall have indicated thereon the front of the lot for subsequent construction of a building. Adequate off-street parking shall be provided for each lot.

4. Curves and Intersections. Curves along streets shall have a center line radius of not less than forty feet (40'), except that the center line radius on a reserve curve shall not be less than three hundred feet (300'). Reserve curves should be separated by a tangent distance of not less than fifty feet (50'). The angle of street intersections shall not vary more than ten degrees (10°) from the perpendicular. Where acute angle intersections are approved a radius of at least twenty-five feet (25') in the right-of-way line at the acute corner shall be provided.

5. Cul-de-Sac Right-of-Way Radii. The radii of the right-of-way at the end of local streets terminated with a circular cul-de-sac turnaround shall be not less than fifty feet (50').

6. Dead-end Streets. Dead-end streets shall not be approved, except in instances where the street is terminated by a temporary circular cul-de-sac turnaround, or where the street is designated to be extended into adjacent property, and shall be signed as required by paragraph 5, above.

7. The developer shall be responsible for the installation of all required street signs and traffic control devices.

8. At least one ingress/egress point shall be provided for each one-hundred and fifty (150) dwelling units, or fraction thereof, or for each 2500 square feet of commercial floor space. For purposes of this ordinance, "ingress/egress point" shall include future planned roadways, so that if a street is provided to end at the boundary of the subdivision, such shall count for ingress and egress even though the actual road is not constructed.

E. Construction Of Improvements. All public or private improvements, as required herein, shall be constructed in accordance with or exceed the Design Standards referenced in the introductory paragraph of Section 7.

F. Street Names. All streets dedicated by plat shall be named, and so identified on such plat, in conformance with the following:

1. New Streets. New street names shall not duplicate existing street names located within the City of Fulshear, Texas, and its extraterritorial jurisdiction, other than extensions of existing streets;

2. Extensions of Existing Streets. Existing street names shall be used in those instances where a new street is a direct extension of an existing street or a logical extension (when the streets in question are not and cannot be physically continuous) thereof, except in those instances where the existing street name is a duplicate street name;

3. Suffixes. Street name suffixes such as court, circle, or loop should be designated on streets that are cul-de-sacs or in a configuration of a loop street;

4. Prefixes. Street name prefixes such as north, south, east, and west may be used to clarify the general location of the street; however, such prefixes shall be consistent with the existing and established street naming and address numbering system of the general area in which the street is located; and

5. Alphabetical and numerical street names shall not be designated, except in those instances where such street is a direct extension of an existing street with such a name and is not a duplicate street name.

6. Street Name Change. No street name, once designated, may be changed except by City ordinance.

G. One-Foot Reserves. In those instances where a public street is dedicated by a plat submitted to the City and such public street forms a stub street onto adjacent unplatted acreage, or where such street lies along and parallel with a subdivision boundary and is adjacent to unplatted acreage, a one-foot wide reserve shall be established within the street right-of-way at its "dead-end" terminus, or along the right-of-way adjacent to such unplatted acreage, to form a buffer strip, dedicated to the public, between the public street right-of-way and the adjacent

unplatted acreage, to prevent access to such public street from the adjacent unsubdivided acreage, unless and until the City has reviewed the development proposals for such adjacent acreage, and a plat of the adjacent property is duly recorded. The conditions associated with the establishment of a one-foot reserve on a plat are contained in the following notation that shall be placed upon the face of any plat where a one-foot reserve is to be established:

“One-foot reserve dedicated to the City in fee as a buffer separation between the side or end of streets where such streets abut adjacent acreage tracts, the condition of such dedication being that when the adjacent property is subdivided pursuant to a recorded plat, the one-foot reserve shall thereupon become vested in the public for street right-of-way purposes.”

H. Partial or Half Streets. Partial or half streets may be dedicated in those instances where the Commission determines that it is necessary for the proper development of the land and in the public interest to locate a public street right-of-way centered on a property line. A partial or half street dedication within a subdivision dedicating less than a fifty-foot right-of-way width on a designated major thoroughfare, or less a thirty-foot right-of-way width for any other type public street, shall not be approved. Appropriate notations and the one-foot reserve dedication in fee as, provided in Section 7.G., hereof shall be placed upon the plat restricting access from any partial or half streets so dedicated to adjacent acreage tracts until the adjacent property is subdivided pursuant to a recorded plat and the additional adjacent right-of-way is acquired providing the full right-of-way as specified in this Ordinance.

I. Easements.

1. Utility Easements. Utility easements, both above and below grade, are those easements established by plat or separate instrument, which are designed to accommodate facilities necessary to provide various types of utility services to the

individual properties within the plat boundaries. Utility easements may be used for, but not be limited to, facilities necessary to provide water, electrical power, natural gas, telephone, telegraph, cable television, and sanitary sewer services. In most cases, utility easements shall be below grade, except where the requirements of the utility providers require their major transmission lines to be located above grade. All easement locations and their placement above or below grade shall be resolved with the utility companies prior to preliminary plat approval.

(a) Location. Utility easements, excluding special use utilities such as gas, telephone, electric, and cable, shall be provided along the front of all lots, except when the Commission determines that such location is not feasible for the orderly development of the subdivision, or where the right-of-way is not wide enough to allow for the proper placement and maintenance of all utilities. Utility easements located along the outer boundaries of a subdivision shall contain the full width required for such easement, except in those instances where the adjacent property is within a portion of a previously approved and platted subdivision and under the same ownership as the property being platted, or where additional easement width is dedicated by separate instrument by the owner of said adjacent tract. In such cases, one-half (1/2) of the required easement width shall be dedicated within the platted boundary with the other one-half (1/2) provided outside the platted boundary by separate instrument, or through notation on the plat certifying the ownership and dedication of said easement.

(b) Widths. All utility easements, including special use utilities such as gas, telephone, electric, and cable, established within any subdivision plat shall not be less than a total of ten feet (10') in width, which width may be split between adjacent lots, provided however, that a lesser amount shall be allowed where less width is required by the utility service provider.

(c) Limitations. All utility easements shall be limited to surface and below grade easements. Aerial easements over utility easements shall be limited to that necessary for transformers, amplifiers, and other similar devices that cannot be placed below grade, it being the express purpose and intent hereof to require all utilities, to the extent reasonably possible, to be placed below ground level.

2. Drainage Easements. All drainage easements shall be located and dedicated to accommodate the drainage requirements necessary for the proper development of the property within the subdivision boundaries and within its natural watershed and in conformance with the City's Comprehensive Plan, its regulations governing storm drainage and/or flood control, and the requirements of other

governmental agencies having jurisdiction over storm drainage or flood control within the area in which the subdivision is located. A suitable note on the plat shall restrict all properties within the subdivision to ensure that drainage easements within the plat boundaries shall be kept clear of fences, buildings, obstructive vegetation, and other obstructions to the operation and maintenance of the drainage facilities therein.

3. Private Easements, Fee Strips.

(a) Existing Easements, Fee Strips. All easements or fee strips created prior to the subdivision of any tract of land shall be shown on the subdivision plat of said land with appropriate notations indicating the name of the holder of such easement or fee strip, the purpose of the easement and generally the facilities contained therein, the dimensions of the easement or fee strip tied to all adjacent lot lines, street rights-of-way and plat boundary lines, and the recording reference of the instruments creating and establishing said easement or fee strip. In those instances where easements have not been defined by accurate survey dimensions such as "over and across" type easements, the subdivider shall request the holder of such easement to accurately define the limits and location of such easement through the property within the plat boundaries. If the holder of such undefined easement does not define the easement involved and will not certify his refusal to define such easement to the Commission, the subdivision plat shall provide accurate information as to the center line location of all existing pipelines or other utility facilities placed in conformance with the easement holder's rights, and building setback lines shall be established fifteen feet (15') from and parallel to both sides of the centerline of all underground pipelines or pole lines involved.

(b) Establishment of Special Use Utility or Drainage Easements. A special use utility or drainage easement may be established by subdivision plat when such easement is for the purpose of accommodating a utility or drainage facility owned, operated, and maintained by a unit of government and is restricted to either water mains, sanitary sewers, storm sewers, or other drainage purposes and where it has been determined by the Commission that these facilities cannot or should not be accommodated within a general purpose public utility or drainage easement or public street right-of-way. Easements proposed to be established for any privately-owned utility company or private organization providing utility services and restricted for their exclusive use shall not be created by a subdivision plat; however, such private utility facilities may be accommodated and placed within the general purpose utility easements and public streets established within the plat boundary. Nothing contained herein, however, may prevent such private companies or the subdivider from granting and establishing special or exclusive

use easements by separate instrument if such arrangements are deemed necessary to properly serve the properties within the plat boundaries.

J. Federal Flood Insurance Program. No subdivision of land shall be approved unless same complies in all respects with the Fort Bend County's, or the City's Flood Damage Prevention regulations. Each final plat shall have depicted thereon applicable boundaries of all flood zones as provided in the latest edition of the FEMA Federal Insurance Rate Maps.

K. Building Setback Requirements. No plat of any subdivision shall be approved unless building setback lines are established therein in accordance with the following standards, all of which shall be measured from the property line:

Front: 25 feet; except cul-de-sac lots which may be 20 feet;

Side: 5 feet on each side;

Corner lots: 10 feet on street side; five feet on inner lot line.

L. Reserve Tracts. Reserve tracts are those individual parcels of land created within a platted subdivision which are not divided into residential or commercial lots, but are established to accommodate some specific purpose such as a private recreational facility, a future school or church site, or site for utility facilities or other activities or land uses for which division into lots is not suitable or appropriate. The expected use or future use of all reserve sites shall be designated on the preliminary and final plats. In certain limited instances, the use of reserve tracts may not be completely determined by the subdivider or developer at the time plats are prepared and submitted to the City. These reserve tracts may be established as "unrestricted

reserves.” Designation as “unrestricted reserve” shall require replatting at the time of the future development if subdivided into residential lots or multi-family uses.

1. Street Access. Reserves established on any subdivision plat shall have frontage on and be immediately adjacent to at least one public street, with such frontage being not less than fifty feet (50’) in width.

2. Identification and Designation. All reserves shall be labeled and identified on the plat, and a description of the use intended for such reserve, if known, shall be noted. If the use of the reserve is not restricted for any specific use, the reserve shall be identified and noted as being “unrestricted.” All reserves are to be identified and designated by alphabetical letters, not numbers, along with an indication as to the total acreage of such reserves that shall be shown within each reserve boundary.

M. Lots; General Provisions. The purpose of this Section is to provide general overall guidelines for the establishment of individual lots within a subdivision.

1. General Lot Design, Arrangement, and Layout. The general lot design within any subdivision shall be based upon the concept that such lots are created and established as undivided tracts of land and that purchasers of such lots can be assured that these tracts of land will be appropriate for their intended use, by meeting the following basic criteria:

a. the lot is of sufficient size and shape to accommodate easements for all public and private utility services and facilities to adequately serve any improvements constructed thereon;

b. the lot is of sufficient size and shape and is so located that direct vehicular access is provided from a public street or through an approved private street and that the required number of off-street parking spaces can be provided on the lot without encroachment within any adjacent public or private street right-of-way;

c. the lot is of sufficient size and shape to accommodate all required improvements and detention areas; and

d. the minimum single family residential lot size is 6,000 square feet.

2. Lot Shapes. Lots shall be designed, so far as possible, with side lot lines being at right angles or radial to any adjacent street right-of-way line. Where all lots are either perpendicular and at right angles or radial to adjacent street rights-of-way, a suitable notation shall be placed upon the plat in lieu of lot line bearings.

3. Key or Flag Shaped Lots. For the purposes hereof, a key or flag shaped lot shall mean a lot having gross disparities in width between side lot lines, sometimes resembling a flag on a flag pole, a key, or some other lot shape of comparable irregularity. Key or flag shaped lots shall be allowed if otherwise in compliance with the minimum lot size requirements of this and other applicable ordinances of the City and provided that any such lot is at least fifty feet (50') in width at its building set-back line.

4. Street Access Limitations. Rear and side vehicular driveway access from lots to adjacent streets designated as major thoroughfares or any other public street which carries a traffic volume where additional vehicular driveways would create a traffic hazard or impede the flow of traffic, shall not be approved and such access restriction shall be noted directly upon the plat and adjacent to the lots in question.

5. Lot and Block Identification. All blocks established in any subdivision shall be designated by number with said numbers being consecutive within the whole subdivision plat. Lots established within said blocks shall also be numbered with said numbers being consecutive within the block. Lot numbering shall be cumulative throughout the subdivision if the numbering system continues from block to block in a uniform manner.

N. Utilities. Adequate provision for all utilities shall be provided to the entire subdivision. All distribution and service lines of electrical, telephone, television, and other wire-carrier type utilities shall be underground, except where above-ground placement is required by the public utility provider. Transformers, amplifiers, or similar devices associated with the underground lines shall be located upon the ground or below ground level. Where the underground placement of such facilities is not a standard practice of the utility involved, the subdivider or developer shall make arrangements with the applicable utility for payment of all costs associated with the non-standard installation. All utility installations shall comply with the

standards as set out by each utility provider, or as are contained in the Fort Bend County design standards provided, however, when the City adopts its own utility installation standards, such as standards shall apply within the City limits.

O. Drainage. Drainage facilities shall be designed and constructed in accordance with the drainage standards adopted by the City Council.

P. Sanitary Sewer. Sanitary sewer facilities shall be designed and constructed in accordance with the applicable standards of the City's Water Authority, Fort Bend County, the State of Texas, or Municipal Utility District (MUD) regulations, where such service is provided by a MUD, as appropriate. Each lot within a proposed subdivision shall be connected to a sanitary sewer system, or may have a septic tank system if properly permitted as required by state law. Any lot within three-hundred feet (300') of the City's sanitary sewer system, as it develops and expands, shall be required to tie-in to the system, and shall pay all applicable costs.

Q. Water. Facilities for the provision of potable water to all areas of the proposed subdivision shall be designed and constructed in accordance with the applicable standards of the City's Water Authority, Fort Bend County, a Municipal Utility District, or the State of Texas, as appropriate. Each lot within a proposed subdivision shall be connected to a potable water distribution system, provided however, that individual residential lots of one acre or more in size may be allowed to have private wells if properly permitted. Any lot within three-hundred feet (300') of the City's water system, as it expands, shall be required to tie-in to the system, and shall pay all applicable costs.

R. Monuments and Markers.

1. Iron rods, five-eighths inches (5/8") in diameter and three feet (3') long, shall be placed on all boundary corners, block corners, curve points, and angle points. A copper pin one-quarter inch (1/4") in diameter embedded three inches (3") in the monument shall be placed at the exact intersection point on the monument. The monuments shall be set at such an elevation that they will not be disturbed during construction, and the top of the monument shall not be less than twelve inches (12") below the finished ground level.

2. Lot markers shall be five-eighths inch (5/8") or greater reinforcing bar, twenty-four inches (24") long, or approved equal, and shall be placed at all lot corners flush with the ground, or below ground if necessary in order to avoid being disturbed.

3. Where no bench mark is established or can be found within three hundred feet (300') of the boundary of the subdivision, such bench mark shall be established to the latest edition of the U.S. Coast and Geodetic Survey datum. The bench mark shall be established upon a permanent structure, or may be set as a monument and shall be readily accessible and identifiable on the ground.

Section 8. Additional Plans and Certificates.

A. Dedication Statements and Certificates. All dedication statements and certificates shall be made a part of the final plat drawing and shall include, but not be limited to, the statements, the general form and content of which are provided as examples in Appendix A of this Ordinance, which are incorporated herein and made a part for all purposes.

B. Restrictive Covenants. An unsigned copy of the final restrictive covenants to govern the nature and use of property within the subdivision shall be submitted not later than the date of submittal of the application for Final Plat Approval. After the City's filing of the approved plat, in accordance with Section 5.F. hereof, the recorded plat reference shall be completed in the restrictive covenants and the restrictive covenants shall be executed and recorded in the property records. No changes shall be made to the final restrictive covenants filed with the Final Plat Approval, other than completion of the recorded plat reference, prior to

the time such covenants are recorded without the City's written consent to such change. A certified copy of the original restrictions, and amendments, if any, shall be provided to the City.

C. Developments within the corporate limits and in the extraterritorial jurisdiction not located in a municipal utility district shall comply with the following provisions:

1. Construction Plans. Construction plans and profile sheets for all subdivision improvements, public or private, shall be submitted with the Application for Final Plat Approval. All such plans and profile sheets shall be signed and sealed by a Texas Registered Professional Engineer. The approval of the final plat shall be contingent upon approval of construction plans by the Commission. Further, the approval of a final plat shall be contingent upon the construction of such improvements in accordance with such approved construction plans. Construction plans shall be submitted to each utility or regulatory agency in Fort Bend County, with copies to the City.

2. Inspection of Construction. The City Engineer, or his duly authorized representative, shall be required to fully inspect any and all phases of the construction of improvements for each subdivision. The subdivider, or his contractor, shall maintain regular contact with the City Engineer or his representative during construction of improvements. No sanitary sewer, water, or storm sewer pipe shall be covered, no flexible base material, subgrade material, or stabilization shall be applied to the street subgrade, and no concrete shall be poured or asphaltic surface applied to the base, without the written approval of the City Engineer, or his representative. The City Engineer, or his representative, may at any time cause any construction, installation, maintenance, or location of improvements to cease when, in his judgment, the requirements of this Ordinance or the standards and specifications as hereinbefore provided have been violated, and may require such reconstruction or other work as may be necessary to correct any such violation. The subdivider shall engage a Texas Registered Professional Engineer who shall be in "responsible charge" of all phases of the design and construction of the required public improvements.

3. Guarantee of Performance. No subdivision plat shall be filed of record with the County Clerk of Fort Bend County, Texas, and no building permit, or any water, sewer, plumbing, or electrical permit shall be issued by the City to the owner or any other person with the respect to any property in any subdivision until the earlier of:

a. Such time as the subdivider or developer of such subdivision has complied with all provisions of this Ordinance and such conditions of the Commission applicable to the final plat regarding installation of all required

improvements and for which required improvements the subdivider or developer has received acceptance by City Council for the start of the one (1) year maintenance period as described in subsection 4 below; or

b. Such time as an escrow deposit sufficient to pay for one hundred twenty percent (120%) of the estimated cost of such improvements as determined by the City Engineer computed on a private commercial rate basis has been made with the City Secretary accompanied by an agreement by the subdivider or developer authorizing the City to make such improvements at prevailing private commercial rates or have the same made by a private contractor and pay for the same out of the escrow deposit, should the subdivider or developer fail or refuse to install the required improvements within the time stated in such written agreement. Such deposit may be used by the subdivider or developer as progress payments as the work progresses upon written certification by the City Engineer that work for which payment is sought has been completed and that sufficient funds remain in the escrow account to complete the work. Any and all funds remaining from any such escrow deposit upon completion of the work and acceptance thereof by City Council shall be promptly released by the City to the depositor; or

c. Such time as the subdivider or developer files a corporate surety bond with the City Secretary executed by a surety company licensed to do business in the State of Texas and acceptable to the City Council, in an amount equal to one hundred twenty percent (120%) of the cost of installation of all required improvements as determined by the City Engineer computed on a private commercial rate basis, guaranteeing the installation of such required improvements by the subdivider or developer within the time stated in the bond, which time shall be fixed by the Commission.

4. Maintenance of Dedicated Improvements. Approval of a plat shall not impose any duty upon the City concerning the maintenance of improvements of any dedicated parts indicated thereon until the City Council, after inspection and recommendation by the City Engineer, shall have accepted same by motion or resolution expressing such acceptance. The subdivider or developer shall maintain all such improvements for a period of one (1) year following such acceptance by City Council; however, such one (1) year of required maintenance shall not begin until there has been filed with the City Secretary either a maintenance bond, executed by a surety company licensed to do business in the State of Texas and acceptable to the City Council, in an amount equal to one hundred percent (100%) of the cost of installation of such improvements, warranting that said improvements will render satisfactory operation for such one (1) year period, or a cash bond, in an amount equal to one hundred percent

(100%) of the cost of installation of such improvements, likewise warranting that said improvements will render satisfactory operation for such one (1) year period.

D. Developments in the City's extraterritorial jurisdiction located within a municipal utility district shall comply with the following provisions:

1. **Construction Plans.** Construction plans and profile sheets ("Plans") for all subdivision improvements, public or private, shall be submitted with the Application for Final Plat Approval. All such Plans shall be signed and sealed by a Texas Registered Professional Engineer. A Texas Registered Professional Engineer shall provide a signed and sealed certificate that all such subdivision improvements meet the requirements of the City Design Standards. Upon receipt of such Plans and Certificate, no approval by the City Engineer, Commission, or City Council is required. Construction plans shall be submitted to each utility or regulatory agency in Fort Bend County, with copies of such transmittals to the City.

2. **Periodic inspection during construction** to confirm that the improvements are being constructed in compliance with the Plans shall be provided in accordance with Texas Commission on Environmental Quality requirements. Upon completion of construction of such improvements, an inspection shall be performed by Fort Bend County and/or the Texas Commission on Environmental Quality, as appropriate depending upon the type of improvement. A Texas Registered Professional Engineer shall certify that THE improvements were constructed in substantial compliance with the Plans.

3. **Guarantee of Performance.** No subdivision plat shall be filed of record with the County Clerk of Fort Bend County, Texas, with respect to any property in any subdivision until such time as the subdivider or developer of such subdivision has complied with all provisions of this Ordinance and such conditions of the Commission applicable to the final plat..

4. **Maintenance of Dedicated Improvements.** Approval of a plat shall not impose any duty upon the City concerning the maintenance of improvements within the municipal utility district.

Section 9. Penalty. Any person violating any provision of this Ordinance within the corporate limits and extraterritorial jurisdiction of the City of Fulshear, Texas, shall be guilty of a

misdemeanor and, upon conviction, shall be fined an amount not exceeding two thousand dollars (\$2,000.00). Each day that such violation continues shall constitute a separate offense. Prosecution or conviction under this provision shall never be a bar to any other remedy or relief for violations of this Ordinance.

Section 10. Severability. 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 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, or whether there be one or more parts.

Section 11. Repeal Clause. City of Fulshear, Texas, Ordinance No. 603, passed and approved the 15 Aug. 1983, are 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.

PASSED, ADOPTED, AND APPROVED on first and final reading the 19th day of December, 2003.



J. Michael Dinges, Mayor

ATTEST:

Kathy Mayfield, City Secretary

CITY OF FULSHEAR

1.00 DESIGN AND CONSTRUCTION STANDARDS

1.01 Minimum Requirements

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

1.02 Street Paving

The following minimum standards apply to subdivision street paving:

1. Type. Six (6) inches of reinforced concrete surface with concrete curb and gutter.
2. Pavement Width.
 - a. Major streets – Forty-four feet (44') to sixty-four feet (64') between back of curbs.
 - b. Secondary streets – Thirty-eight feet (38') to forty-four feet (44') between back of curbs.
 - c. Residential streets – Twenty-eight feet (28') to thirty-two feet (32') between back of curbs.
3. Cross Section. A standard cross section for a residential street is shown in the City's standard paving detail sheet. Cross sections for secondary and major streets shall be proportioned similarly. At intersections, curb return radius shall be twenty-five feet (25'); at cul-de-sacs, forty-five feet (45').
4. Concrete.
 - a. Reinforcing Steel.
 - 1) Material – open hearth new billet steel.
 - 2) Yield strength – 60,000 psi, minimum.
 - 3) Splices – twenty-four (24) bar diameters.

- 4) Bar size and spacing – No. 3 bars at eighteen inch (18") centers, each way, minimum. Street should be designed based upon the subgrade and load use of street.
 - 5) Bar support – metal or plastic "chairs" shall be used to hold bars in position during placement of concrete.
- b. Concrete Mixture.
- 1) Compressive Strength – 3,000 psi, minimum at twenty-eight (28) days.
 - 2) Slump – four and one-half inches (4-½") maximum.
 - 3) Cement factor – 5.0 bags per cubic yard, minimum.
- c. Cement. Type I (Normal) Portland Cement, or with city engineer's approval, Type III (High Early Strength).
- d. Aggregate. Coarse and fine aggregate shall meet the requirements of Texas Highway Department Standard Specification "Item 360" for concrete pavement.
- e. Jointing.
- 1) Expansion joints with sleeved load transmission dowels – at intersections. Also every eighty (80) linear feet, minimum.
 - 2) Wood joints – sound heart redwood.
 - 3) Joint seal – O.A. 90 asphalt or other types with approval.
- f. Curing. Curing method shall retain at least ninety-seven percent (97%) of moisture at twenty-four (24) hours, at least ninety-five percent (95%) at three (3) days, and at least ninety-one percent (91%) at seven (7) days. (ASTM procedure C-5).
- g. Tests. Compressive strength – three (3) cylinders every 50 cubic yards of concrete or portion thereof. Testing lab is to be supplied by the developer.
- h. Placement. Concrete shall not be placed on frozen subgrade; when air temperature is thirty-eight (38) degrees F or below; when air temperature is below forty-two (42) degrees F and declining; when finishing cannot be completed during natural daylight.

5. Subgrade.

- a. Rolling machinery – all subgrade shall be rolled.
- b. Density required – at least ninety-five (95%) percent of maximum density (Standard Proctor Density Test).
- c. Lime stabilization – required when Plasticity Index (P.I.) of subgrade soil exceeds 18.
- d. Cement stabilization – Required when low P.I. “spongy” or wet soils.
- e. Subgrade shall not be allowed to dry before concrete or base is placed, nor shall concrete or base be placed on frozen subgrade.
- f. Density tests – at two hundred (200) linear foot intervals, or closer when requested by city engineer. Density tests shall be “staggered” across the width of the payment. At no point should density tests be taken in a straight line. At least one density test must be taken on the outside edge of the pavement in cul-de-sacs.

6. Large Lot Subdivision

Where every lot in a subdivision is in excess of one (1) acre in size and the natural grade of the tract to be subdivided has at least 3 feet of drop per 1,000 feet, an open ditch cross-section of road will be allowed.

a. Pavement type.

- 1) Concrete meeting Item 1.02.
- 2) Asphalt cross-section
 - aa) 1-½ inches hot mix asphalt Type D meeting TxDOT Item 340 (24-foot width).
 - bb) 8 inches of compacted limestone meeting TxDOT Item 247, Type A, Grade 2 (25-foot width).
 - cc) Subgrade meeting Item 1.02-5.

b. Pavement width.

- 1) Residential streets - 24 feet edge to edge.

2) All other streets require concrete meeting item 1.02-2.

c. Cross-section.

A standard cross-section for a residential street is shown on the City's standard paving detail sheet.

1.03 Sidewalks

Sidewalks shall meet the following minimum standards:

a. Dimensions.

1) Width – four feet (4'), zero inches (0"), minimum.

2) Thickness – zero feet (0'), four inches (4"), minimum.

b. Subgrade. Two inches (2") of compacted sand.

c. Cross Slope. One-fourth inch ($\frac{1}{4}$ ") per foot, toward curb.
Slopes on sidewalks must be ADA compliant.

d. Reinforcing shall be #3 rebar at no greater than 18" C-C or #10-6X6 welded wire mesh supported by either chairs or c.m.u. bricks.

e. Load transmission devices (dowels) shall be #4 rebar, 12" long, embedded 6" either side of expansion joint, one end shall be sleeved. Set load transmission devices 12" C-C, maximum.

f. Expansion joints are to be spaced 10' C-C and are to be sound heart redwood, $\frac{3}{4}$ " thick with OA 90 asphalt or approved sealer.

g. Control joints are to be cut ($\frac{1}{4}$ " X $\frac{1}{2}$ ") at no greater than 5' C-C spacing.

h. Location. As per Figure I, as shown on standard detail sheet.

1.04 Water System

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

1. Main Lines.

a. Minimum diameter – six inches (6").

- b. Depth – three feet (3'), six inches (6") of cover below final grade.
 - c. Material – C-900 PVC DR18.
 - d. Location – as shown on Standard Detail Sheet. Mains shall be looped, with no dead ends serving more than four (4) lots.
 - e. Mains shall be looped with no dead ends serving more than 4 lots.
2. Valves.
- a. Locations – At tees: two (2) valves. At crosses: three (3) valves. At each connection to existing water system: one (1) valve.
 - b. Type – non-rising stem, O-ring seals, Mueller or Clow brand. Counter-clockwise opening, mechanical joint.
3. Fire Hydrants.
- a. Locations – at each street intersection and cul-de-sac end. Single family residential areas: six hundred foot (600') intervals, maximum. Commercial, including reserves: three hundred foot (300') intervals, minimum.
 - b. Type – Mueller brand, 3-way 5-¼" barrel with 4-½" steamer (pumper) nozzle and two (2) 2-½ inch hose nozzles. Counter-clockwise opening, mechanical joint. Each fire hydrant is to have an individual gate valve (with adjustable riser box) located within 4 feet of the fire hydrant.
4. Fittings.
- a. Material – cast iron, cement lined, mechanical joint. All fittings are to be thrust blocked with concrete. All fittings are to be wrapped with plastic or similar materials to prevent concrete from adhering to the mechanical joint connection components.
 - b. Pressure rating – 250 psi.
5. Services.
- a. Corporation stop – Mueller H-15000.
 - b. Curb stop – Mueller H-15275, ending in an approved concreted or plastic meter box. (All boxes in new development are to be of the same material.)
 - c. Meter nipple required – Mueller H 10890G.

- d. Pipe material – soft copper.
- e. Size – 1", one per each residential lot.
- f. Concrete or plastic meter box of appropriate size is required.
- g. All curbs are to be marked to indicate the location of the water services for each individual lot.

6. Backfill.

- a. Under streets – wrap water line with 6" layer of bank sand; remainder of trench to be filled with 1.0 sack (100 psi) per cubic yard cement stabilized sand, compacted to 95% Proctor.
- b. Other locations – wrap water line with a 6" layer of bank sand; remainder of trench to be filled using compacted native soil. Sandy soil must be water jetted; other soils may be compacted by rolling with a "Caterpillar" tractor or similar method.
- c. All trenches are to be compacted to 95% Standard Proctor.

1.05 Sanitary Sewer System

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

1. Main Lines.

- a. Minimum diameter – six inches (6").
- b. Minimum depth – four feet (4'), zero inches (0"). Exceptions may be made on depth with City of Fulshear Public Works Director approval.
- c. Material –
 - 1) Pipe – SDR 26 PVC.
 - 2) Fittings – same class as pipe, with rubber gaskets.

All sanitary sewer lines must be air-tested and pass deflection testing 30 days (or longer) after installation. The City reserves the right to require filming of any sewer installation, at the developers expense.

2. Manholes.

a. Size –

- 1) Four feet (4'), zero inches (0") inside diameter.
- 2) Thirty-two inch (32") diameter opening in cone section for access to the sanitary sewer for cleaning and maintenance.

b. Spacing – three hundred feet (400') maximum and at changes in direction or size of main line.

c. Material –

- 1) Pre-cast concrete manhole meeting ASTM C478 (latest revision).
- 2) Cast-in-place manholes shall be 4000 psi concrete with wall thickness of no less than five inches (5"). The base shall be no less than twelve inches (12") thick.

d. Pipe connection – each pipe connection to sanitary sewer manholes shall be made water tight by either:

- 1) approved flexible connectors; or
- 2) water tight grout

e. Foundations – place manhole base on twelve inches (12") minimum of compacted cement stabilized sand.

f. Manhole ring and lid –

- 1) Install thirty-two inch (32") diameter cast iron ring using approved sealant.
- 2) In pavement – adjust ring and cover to grade. (The City may require infiltration prevention measures, to be decided on a case by case basis. If they are required, the developer must pay for them.)
- 3) In unpaved areas – adjust ring and cover to at least six inches (6") above surrounding grade, sloping grade away from the manhole.
- 4) Manhole lid is to have "Sanitary Sewer" cast into it. No other reference is to be cast into the lid.

3. Services.

- a. Minimum sizes –
 - 1) Residential: single service – four inches (4"); double service – six inches (6").
 - 2) Commercial: Six inch (6") minimum.
- b. Material – Sch. 40 or SDR 26 PVC.
- c. Fittings required – wye, bend, and plug.
- d. Stack required – where sewer depth exceeds six feet (8'), zero inches (0").
- e. Marking – "As built" plans required showing locations, with 4" X 4" oak timber marking each service and extending two feet (2') above ground. Painted with a bright color paint. (Capped four inch (4") diameter PVC pipe may be used in lieu of oak timber.) Curb is to be marked to indicate the location of the sanitary sewer service.
- f. Bedding – cement stabilized sand (one sack per cubic yard). Thickness to be one half ($\frac{1}{2}$) of the pipe diameter beneath the pipe (in no case less than 6" thickness) and to the centerline of the pipe.

4. Backfill. Same as for water systems.

5. Location. Except in unusual circumstances and after recommendation by the city engineer and approval of Planning Commission, sanitary mains shall be located in front of lots. They shall be placed within street rights-of-way opposite water mains. If authorized to be placed at rear of lot, mains shall be no closer than five feet (5') to the easement boundary.

1.06 Drainage

The following minimum standards apply to drainage construction within new subdivisions. The City of Fulshear has adopted the Fort Bend County Drainage District's Criteria Manual and all drainage calculations and plans shall be approved by the Drainage District.

1. Storm Sewers and Culverts.

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

- b. Minimum slope – storm sewers: 0.1%. Culverts shorter than one hundred feet (100'): 0.1 foot.
- c. Material –
 - 1) Class III reinforced concrete pipe.
 - 2) High density polyethylene (HDPE) corrugated smooth lined thermoplastic pipe may be used when approved by the city engineer.
 - 3) Texas Highway Department standard box culverts and headwalls.
- d. Joints –
 - 1) Class III Reinforced Concrete Pipe – bell and spigot joints with “O” ring type gaskets.
 - 2) High Density Polyethylene Pipe – bell and spigot joints with “O” ring type gaskets.
 - 3) Box Culverts – “Ram-Nek” type asphaltic sealer or approved equal with joints to meet Texas Department of Highways specification.
- e. Bedding – All storm sewer is to be bedded with one and one-half (1-½) sack per cubic yard of cement stabilized sand, compacted to twelve inch (12") thickness, minimum.
- f. Backfill – All storm sewer piping shall be backfilled to a minimum of twelve inches (12") over the top of the pipe with one and one half (1-½) sack per cubic yard cement stabilized sand, compacted by mechanical means. When using HDPE pipe, caution shall be taken to insure proper bedding and backfill to meet the manufacturers recommendations to provide the structural support necessary.
- g. Junction Boxes and Manholes –
 - 1) Size: nominal pipe size plus twelve inches (12").
 - 2) Material: reinforced concrete, designed for the load. Minimum wall thickness – 5".
 - 3) Location:
 - aa) At changes in pipe size or direction.

bb) At distances not to exceed four hundred feet (400').

4) Access Covers: twenty-four inch (24") diameter cast iron ring and cover with the word "Storm" cast into the cover.

h. Inlets –

1) Minimum throat size: six inches (6") high X five feet (5') long.

2) Material: reinforced concrete, designed for load.

3) Wall thickness: five inches (5").

4) Access: twenty-four inch diameter cast iron ring and cover (see 1.06.g.4 above)

2. Open Channels.

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

b. Lined channels – bottom slope: 0.05% minimum. Lining material: five inches (5") thick concrete with #3 bars at eighteen inches (18") center to center. With approval of the City, pre-cast concrete pavement may be used in lieu of concrete. Concrete characteristics: same as for street paving. Easement width: top width plus twelve feet (12') on one (1) side and four feet (4') on the other side.

3. Design Criteria.

a. Storm period: twenty-five (25) years.

b. Runoff coefficient:

1) Single family residential area – fifty percent (50%).

2) Commercial areas – eighty percent (80%).

1.07 Street Signs

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

1.08 Regulations of Other Entities

These construction standards are not intended to replace the regulations of state or federal governmental entities whose jurisdiction includes new subdivisions within the jurisdiction of the City of Fulshear.

2.00 RESPONSIBILITY FOR STREET AND UTILITIES INSTALLATION

2.01 Developer Responsibilities

In general, the subdivider or developer shall be required to construct at his expense, all streets, alleys, sidewalks, crosswalks, street markers, sanitary sewers, sewage lift stations or other sewage facilities, water mains, and water systems, drainage culverts, storm sewers, bridges, street lights and other appurtenances in strict accordance with Article 1.00, necessary and required to adequately serve the subdivision or addition to be developed by him.

2.02 Street, Utilities and Appurtenances to Become Property of City

All streets, utilities and other appurtenances constructed by the developer shall become the property of the City of Fulshear upon completion and acceptance by the city engineer and city council.

2.03 When City to Assist Developer

Upon the passage of these standards, it will be the policy of the City of Fulshear to assist the developer in recovering the cost of construction of such facilities where sizes and capacities of facilities are required to service urban development of a larger area than that being subdivided or areas extending beyond the limits of the proposed subdivision to the extent hereinafter set forth; but the City reserves the right to consider each facility on its own merits.

3.00 PARKS, PLAYGROUNDS, SCHOOLS, AND OTHER PUBLIC FACILITIES

3.01 Parks and Playgrounds

A subdivider shall be required to provide open space for park purposes or dedicate funds for parks as set out in this ordinance.

3.02 Schools

The location, size and shape of any proposed school site shall be in accordance with the master plan of the City of Fulshear and/or Fort Bend County as amended or supplemented,

as approved by the planning commission and finally accepted by the city council and Lamar Consolidated Independent School District.

3.03 Public Facilities and Other Special Land Uses

The location, size and shape of any proposed public facility or other special land use site shall be in accordance with the comprehensive plan for the City of Fulshear and/or Fort Bend County, as amended and supplemented, as approved by the planning commission and finally accepted by the city council.