ORDINANCE NO. 04-907

AN ORDINANCE OF THE CITY OF FULSHEAR, PROVIDING FOR THE HOLDING OF A GENERAL ELECTION ON MAY 15, 2004, FOR THE PURPOSE OF ELECTING A MAYOR AND 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 third Saturday in May 2004, the same being the 15th day of said month, at which election all qualified voters of the City may vote for the purpose of electing a Mayor and three (3) Aldermen.

Section 2. No person's name shall be placed upon the official ballot as a candidate for Alderman and/or Mayor unless such person shall have filed his or her sworn application, as provided by Section 141.031 of the TEXAS ELECTION CODE, with the City Secretary of the City at the City Offices, located at 30603 F.M. 1093, Fulshear, Texas77441, 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 candidate receiving the highest number of votes for Mayor shall be declared elected. 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 31 day of January, 2004.

J. Michael Dinges
Mayor

ATTEST:

Kathy Mayfield
City Secretary

John Smart - AYE
J.B. Collins, Jr.- AYE
Bill Archer - AYE
Colice Watts - AYE
Owen Bement - ABSENT

ORDINANCE NO. 04-908

AN ORDINANCE OF THE CITY OF FULSHEAR, AMENDING ORDINANCE NO. 04-907 PROVIDING FOR THE HOLDING OF A GENERAL ELECTION ON MAY 15, 2004, FOR THE PURPOSE OF ELECTING A MAYOR AND THREE (3) ALDERMEN TO CHANGE THE DATE FOR FILING TO BE A CANDIDATE FOR SUCH ELECTION FROM THE 45TH DAY BEFORE THE ELECTION TO THE 62ND DAY BEFORE THE ELECTION TO CORRECTLY REFLECT STATE LAW; REPEALING ALL ORDINANCES OR PORTIONS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR SEVERABILITY.

* * * * *

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

Section 1. Section 2 of Ordinance No. 04-907 passed and approved on the 18th day of February, 2004, is hereby amended to read as follows:

"Section 2. No person's name shall be placed upon the official ballot as a candidate for Alderman and/or Mayor unless such person shall have filed his or her sworn application, as provided by Section 141.031 of the TEXAS ELECTION CODE, with the City Secretary of the City at the City Offices, located at 30603 F.M. 1093, Fulshear, Texas77441, not later than five o'clock (5:00) p.m. on the sixty-second (62nd) 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 2. This ordinance shall take effect from and after the date of its passage, and all Ordinances or portions of Ordinances heretofore passed in conflict with the terms hereof are specifically repealed.

Section 3. If any provision, section, subsection, sentence, clause, phrase of this Ordinance, or the application of same to any person or set of circumstances is for any reason held to be unconstitutional, void, or invalid, the validity of the remaining portions of this Ordinance or their application to other persons or sets of circumstances shall not be affected thereby, it being the intent of the City Council in adopting this Ordinance that no portion thereof or provision, or regulation contained herein, shall become inoperative or fail by reason of any unconstitutionality of any other portion hereof and all provisions of this Ordinance are declared to be severable for that purpose.

PASSED, APPROVED, AND ADOPTED the 17 day of MARCH, 2004.

J. Michael Dinges
Mayor

ATTEST:

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

Kathy Mayfield
City Secretary

ORDINANCE NO. 04-909

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. 03-899, ADOPTED THE 20th DAY OF AUGUST, 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'). If one commercial property contains more than ten (10) different businesses and has more than 350' of road frontage, the property shall be allowed two (2) monument signs at that location, both of which must comply in all respects with this Ordinance.

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. Provided, however, that "For Sale" or "For Lease" signs located on undeveloped property will be a maximum of four feet (4') in height and eight feet (8') in length.

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. **Temporary Construction – Announcement Signs.** An office or retail business shall be permitted to construct a temporary sign announcing

the prospective opening of the business at that site while the business is under construction. Such temporary construction signs shall be erected for a minimum of six (6) months and shall be no larger than eight feet (8') in height by eight feet (8') in width.

Q. **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. 03-899 originally passed and approved the 20th day of August, 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 21st day of April, 2004.

J. Michael Dinges, Mayor

ATTEST:

Kathy Mayfield, City Secretary

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

ORDINANCE NO. 04-910

AN ORDINANCE OF THE CITY OF FULSHEAR, TEXAS, PROVIDING IT UNLAWFUL TO CREATE OR MAINTAIN A PUBLIC NUISANCE WITHIN THE CITY; PROVIDING DEFINITIONS; PROVIDING ABATEMENT PROCEDURES; PROVIDING FOR THE RECOVERY OF EXPENSES; PROVIDING A PENALTY OF AN AMOUNT NOT TO EXCEED $2,000 FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF; PROVIDING FOR SEVERABILITY; AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN CONFLICT HEREWITH.

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

Section 1. Definitions.

The following words, terms and phrases shall have the meanings ascribed thereto:

Airport shall mean any area of land designated, set aside, used or intended for use, for the landing and take-off of aircraft, and any appurtenant areas designated, set aside, used or intended for use, for airport buildings or other airport facilities, rights-of-way, or approach zones, together with all airport buildings and facilities located thereon. This term shall include any such facility called by a similar name for such activities, including jetport, aircraft facility.

Brush shall mean all trees or shrubbery under seven feet (7') in height which are not cultivated, maintained or cared for by persons owning or controlling the premises on which such tress or shrubbery are growing.

Nuisance and *public nuisance* shall mean whatever is dangerous to life or health; or whatever renders the ground, the water, the air or any food or drink unhealthy and a hazard to life or health.

Objectionable, unsightly or *unsanitary matter of whatever nature* shall mean all uncultivated vegetable growth, objects and matter not included within the meaning of the other terms defined in this section, which are liable to produce or tend to produce disease or an unhealthy, unwholesome or unsanitary condition on the premises or within the general locality where the growth, objects or matter is situated, including, without limitation, the accumulation of stagnant water, carrion, filth, impure or unwholesome mater, weeds in excess of twelve inches (12"), rubbish and brush.

Rubbish shall mean all garbage, trash or refuse, discarded or useless articles, discarded clothing or textiles of all sorts, and in general all litter and other things usually included within the meaning of the term.

Weeds shall mean uncultivated vegetable growth or matter, including grasses, which has grown to a height of more than twelve inches (12") or which, regardless of height, has become an unwholesome or decaying mass or breeding place for mosquitoes or vermin.

Section 2 **Certain conditions declared nuisances.**

Within the City each of the following, without limiting the definitions in Section 1 hereof, is specifically declared to be a public nuisance, and as such is liable to be abated, and the person guilty of causing, permitting or suffering any such nuisance to exist upon a lot, parcel of real estate or premises, or in any building occupied or controlled by him, or in or upon any street, alley, sidewalk or gutter immediately adjacent to such premises, shall be deemed in violation of this Ordinance:

(1) The accumulation of stagnant water;

(2) The accumulation of carrion, filth or other impure or unwholesome matter of any kind.

(3) Weeds which have grown to a height of more than twelve inches (12") or which, regardless of height, have become an unwholesome or decaying mass or breeding place for mosquitoes or vermin; and

(4) The accumulation of rubbish, brush or other unsightly, objectionable or unsanitary matter.

(5) The operation of an aircraft engine while the aircraft is on the ground or the operation of an airport facility in such a manner as to cause a noise disturbance across a residential or agricultural real property boundary.

Section 3. **Abatement; collection of expenses by City.**

(a) *Notice to owner.* Should the City health officer or other designated representative determine that a nuisance exists on any lot or parcel of real estate within the City, written notice shall be given to the owner of the lot upon which the nuisance exists. Such notice shall identify the nuisance, identify the property upon which the nuisance exists, and direct the owner to take such action as the City deems reasonable, appropriate and necessary to remove the nuisance. Such notice shall be delivered personally to the owner in writing, by letter addressed to the owner at the owner's address as recorded in the records of the Fort Bend County Appraisal District, or, if personal service cannot be obtained, by publication at least once in the City's official newspaper, by posting the notice on or near the front door of each building on the property to which the violation relates, or by posting the notice on a placard attached to a stake driven into the ground on the property to which the violation relates, if the property contains no buildings.

(b) *Abatement by City.* If the owner fails or refuses to remove the nuisance within seven (7) days following notice as provided in subsection (a) of this section, the City may do or cause to be done that which will abate such public nuisance, and may pay therefor, and charge the expenses incurred in doing such work or having such work done or improvements made to the person who owns such lot or building. If such work is done or improvements made at the expense of the City, then the expenses shall be assessed on the real estate or lot for which such expense was incurred. In a notice provided under subsection (a) of this section, the City may inform the owner by regular mail and a posting on the property that if the owner commits another violation of the same kind or nature that poses a danger to the public health and safety on or before the first anniversary date of the notice, the City without further notice may correct the violation at the owner's expense and assess the expense against the property. If a violation covered by such notice occurs within the one-year period, and the City has not been informed in writing by the owner of an ownership change, then the City without further notice may cause the work to be done or make the improvements required, and pay for the work done and improvements made and charge the expenses to the owner as otherwise provided herein.

(c) *Collection of expenses.* The mayor, City health officer or City official designated by the mayor shall file a statement of expenses giving the name of the owner, if known, the amount of such expense, the date on which such work was done, and the legal description of the premises upon which such work was done or improvements made with the county clerk. The City shall have a privileged lien on such lot or real estate upon which such work was done, or improvements made, to secure the expenditures so made, in accordance with V.T.C.A., Health and Safety Code, Chapter 342, which lien shall be second only to tax liens or liens for street improvements, and which amount shall bear interest at the rate of ten percent (10%) per annum, from the date of payment by the City. For any such expense and interest, suit may be instituted and recovery and foreclosure of such lien may be had in the name of the City, and the statement of expenses so made, or a certified copy thereof, shall be prima facie proof of the amount expended for such work or improvements.

Section 4. **Penalty**. Any person who shall violate any provision of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined in an amount not to exceed $2000. Each day of violation shall constitute a separate offense.

Section 5. **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 19 day of May, 2004.

THE CITY OF FULSHEAR

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 . 04-911

AN ORDINANCE CANVASSING THE RETURNS AND DECLARING THE RESULTS OF THE GENERAL ELECTION HELD ON MAY 15, 2004, FOR THE PURPOSE OF ELECTING ONE (1) MAYOR AND THREE (3) ALDERMEN TO THE CTY COUNCIL OF THE CITY OF FULSHEAR.

* * * * * * * * * * * *

WHEREAS, a general election was held in the City of Fulshear, Texas, on May 15, 2004, for the purpose of electing one (1) Mayor and three (3) Aldermen; and

WHEREAS, said election was duly and legally held in conformity with the election laws of the State of Texas, and the results of said election have been verified and returned by the proper judges and clerks; and

WHEREAS, it appears that a total of 187 votes were cast in such election; now, therefore,

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

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

Section 2. The official canvass of the returns of the general election held on May 15, 2004, reflects that the following named persons received the number of votes set opposite their name:

Candidate Name	Votes
J. MICHAEL DINGES	132
W. OWEN BEMENT	117
JAMI WILSON	75
COLICE WATTS	119

ROBERT FOX	73
JOHN SMART	124

Section 3. In accordance with the official canvass of the returns of the general election held on May 15, 2004, the following persons are duly elected:

J. MICHAEL DINGES	- MAYOR
W. OWEN BEMENT	- ALDERMAN
COLICE WATTS	- ALDERMAN
JOHN SMART	- ALDERMAN

PASSED, APPROVED AND ADOPTED this 26th day of May, 2004.

J. Michael Dinges
Mayor

ATTEST:

Kathy Mayfield
City Secretary

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ORDINANCE NO. 04-912

AN ORDINANCE OF THE CITY OF FULSHEAR, TEXAS ADOPTING THE 2000 EDITION OF THE *INTERNATIONAL FIRE CODE*, INCLUDING APPENDICES OTHER THAN APPENDIX A, AS PUBLISHED BY THE INTERNATIONAL CODE COUNCIL, INC.; PROVIDING CERTAIN AMENDMENTS TO THE CODE ADOPTED HEREBY; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; 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 *International Fire Code*.** The International Fire Code, 2000 Edition, including all appendices except Appendix A, as published by the International Code Council, Inc., a copy of which is attached hereto and made a part hereof for all purposes, an authentic copy of which has been filed with the City Secretary, is hereby adopted and made a part of this Ordinance.

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

(a) Section 101.1 is hereby amended to read as follows:

"101.1 Title. These regulations shall be known as the *Fire Code* of the City of Fulshear, Texas, hereinafter sometimes referred to as "this code."

(b) Section 103.2 is hereby amended to read as follows:

"103.2 Appointment. The City Council may, by resolution, appoint a Fire Marshall (sometimes referred to in *Fire Code* as "code official"). The Fire Marshall will serve in an at-will basis and may be terminated at any time by either party.

(c) Section 104 is hereby amended by adding a new Section 104.3.2 to read as follows:

"104.3.2 Public occupancies. The code official or his authorized representative may at all reasonable times have free access and right of entry to

any building intended for public occupancy or other public purposes, whether completed or under construction. No person, owner or occupant of any building or premises intended for public occupancy or other public purposes shall fail, after property credentials are displayed, to permit entry into any building or onto any property by the code official or his authorized agent for the purpose of inspections pursuant to this code."

(d) Section 106 is hereby amended by adding a new Section 106.4 to read as follows:

"106.4 Periodic Inspections. As often as is deemed necessary, the code official shall enter upon and make a thorough examination of all mercantile, manufacturing, commercial, and public buildings, together with the premises belonging thereto, in order to ensure compliance with this code."

(e) Section 108.1 is hereby amended to read as follows:

"**108.1 Membership of the Board**. In order to hear and decide appeals of orders, decisions or determinations made by the code official relative to the application and interpretation of this code, there shall be and is herby created a board of appeals. The City Council of the City of Fulshear shall act as the board of appeals."

(f) Section 109.3 is hereby amended to read as follows:

"109.3 Violation penalties. Any person, firm, corporation or agent who shall violate a provision of this code, or fail to comply therewith, or with any of the requirements thereof, shall be guilty of a misdemeanor and upon conviction may be punished by a fine not to exceed $2,000. Each such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provision of this code is committed or continued."

(g) Section 110 is hereby amended by adding a Section 110.1.3 to read as follows:

"110.1.3 Inadequate Egress. All buildings or structures which do not provide adequate egress, which constitute a fire hazard or are otherwise dangerous to human life, or which, in relation to existing use, constitute a hazard to safety or health are considered unsafe buildings. The code official shall refer the building to the City code enforcement official for abatement in accordance with applicable provisions of this code or other ordinances of the City."

(h) Section 307 is hereby amended to read as follows:

SECTION 307
OPEN BURNING

"307.1 Outdoor or Open Fires. Except as otherwise allowed by this section, no person shall burn or authorize the burning of any rubbish, trash, waste, leaves, weeds, grass, lumber, or any other combustible materials within the City. No burning of leaves, weeds, grass and lumber shall be permitted within 100 feet of a residence. Except as provided below, no such materials may be burned unless in containers or incinerators subject to the approval by the code official.

307.2 Weeds, grass, timber; Permit. After issuance of the proper permit by the Texas Commission on Environmental Quality, a person may conduct a one-time burning of weeds, grass and timber on property located within the City in order to clear the property for construction. Such burning shall be constantly attended by a competent person until such fire is extinguished. Such person shall have fire-extinguishing equipment readily available at the site of the burning.

307.3 Open-flame cooking devices. Charcoal burners and other open-flame cooking devices shall not be operated on combustible balconies or within 10 feet (3048 mm) of combustible construction.

Exceptions:

1. One-and two-family dwellings.
2. Where buildings and decks are protected by an automatic sprinkler system."

(i) Section 503 is hereby amended to read as follows:

SECTION 503
ACCCESS TO BUILDINGS BY FIRE APPARATUS

"503.1 Security Gates. Where security gates are installed, they shall be maintained and a means for emergency operation shall be provided and maintained as approved by the code official.

503.2 Combustible Storage Buildings. See IFC 2306 for access to high-piled combustible storage buildings.

503.3 Fire Lanes.

503.3.1 Location. The location of fire lanes shall be determined by the code official in conformity with the provisions of Section 503.3.

503.3.2 When required. No building used for any purpose other than single-family or two-family dwellings shall be constructed so that any part of the perimeter of the structure is greater than one hundred fifty feet (150') from a public street or highway, unless the owner constructs and maintains a fire lane having a minimum height throughout of not less than fourteen feet (14'), a minimum width throughout of twenty feet (20'), and terminating within one hundred fifty feet (150') from the farthest point of said structure.

503.3.3 Sprinkler/Standpipe Systems Access. A fire lane shall be required for access to fire department connections to automatic sprinkler systems and standpipe systems.

503.3.4 A fire lane shall be required when the fire official determines that reasonable life safety would necessitate unrestricted access by emergency apparatus.

503.3.5 Preexisting Construction. Any building, structure or facility constructed without fire lanes prior to July 9, 1987, shall be exempt from the requirement for a fire lane as provided in Section 503.3.

503.3.6 Termination of Fire lanes. When not connected at both ends to a public street, fire lanes shall terminate in a turnaround having a minimum Radius or thirty-eight and one-half feet (38-1/2')l.

503.3.7 Surface. All fire lanes shall be all-weather surfaced and shall be maintained in an operable condition.

503.3.8 Obstruction free. The owner or his representative of a building which is adjacent to the fire lane shall be responsible for keeping the fire lanes free of obstruction.

503.3.9 No parking within. There shall be no parking within any fire lane at any time. For the purposes of this subsection, "parking" shall mean to stand on occupied or unoccupied vehicle other than while in the process of loading or unloading passengers.

503.3.10 Markings/Signage. Fire lanes shall be conspicuously marked and shall have signs posted that read "Fire Lane – No Parking" in four-inch (4") white letters on a red background. The signs shall be located along the curb line or, in cases where there is no curb, hall be placed on the side of the building with red letters on a white background, or by other approved methods as determined by the code official. The signs shall be placed no less than thirty feet (30') ad no greater than forty feet (40') apart. The signs shall be maintained in good condition so as to be legible at all times. It shall be the responsibility of the owner

(or his representative) of the building adjacent to the fire lane to place and maintain the signage required by this subsection.

503.3.11 Elimination Prohibited. No owner or person in charge of any premises served by a required fire lane shall abandon or close any such fire lane without first making a written request to, and receiving written permission from, the code official."

(j) Section 901.8 is hereby amended to read as follows:

"901.8 Tampering with Fire Hydrant or Fire Appliance. No person shall remove, tamper with, or otherwise disturb any fire hydrant or fire appliance required to be installed or maintained under the provisions of this code except for the purpose of extinguishing fire, training purposes, recharging, or making necessary repairs, or when permitted by the code official. Whenever a fire appliance is removed as herein permitted, it shall be replaced or reinstalled as soon as the purpose for which it was removed has been accomplished. The code official is hereby expressly authorized to aid in the enforcement of this section and toward that end may issue citations to persons found removing, tampering with, or otherwise disturbing any fire hydrant or fire appliance in violation of the provisions of this section."

Section 2. Any person who shall violate any provision of this Ordinance, or any provision contained in any code adopted hereby, shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined in an amount not to exceed $2000. Each day of violation of any such provision 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 AND APPROVED on first reading this 16th day of June, 2004.

J. Michael Dinges, Mayor

ATTEST:

Kathy Mayfield, City Secretary

John Smart - Aye

Bill Archer - Aye

J.B. Collins - Aye

Owen Bement - Aye

Colice Watts - Aye

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 (¼") 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, ¾" thick with OA 90 asphalt or approved sealer.

g. Control joints are to be cut (¼" X ½") 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 (½) 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.

ORDINANCE NO. 04-913

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 ORDINANCE NO. 603, PASSED AND APPROVED ON THE 15TH DAY OF AUGUST, 1983, ORDINANCE NO. 03-906, PASSED AND APPROVED ON THE 19TH DAY OF DECEMBER, 2003, AND 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 Ordinance 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, or any amendments or changes thereto approved and adopted by the City Council.

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 privately 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. 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 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 be 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 had been properly subdivided in accordance with the terms and provisions of Ordinance No. 603, passed and adopted on or about August 15, 1983, or on any lot that was in existence prior to August 15, 1983, 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 August 15, 1983. Any subdivisions that occurred prior to the effective date of this Ordinance, but after August 15, 1983, which were not properly platted in accordance with City of Fulshear Ordinance No. 603, passed and approved on or about the 15th day of August, 1983, must comply with 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~~ its 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.

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'), or for projects less than ten (10) acres the scale acceptable for a preliminary plat shall be one inch (1") equals fifty feet (50') (1":50').

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 one hundred feet (1":100');

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. 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.

C. 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 15th day of August 1983 and Ordinance No. 03-906, passed and approved the 19th day of December 2003, are hereby repealed to the extent required to enforce this Ordinance after its effective date. 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 21 day of July 2004.

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

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 (¼") 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, ¾" thick with OA 90 asphalt or approved sealer.

g. Control joints are to be cut (¼" X ½") 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 (½) 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.

ORDINANCE NO. 04-914

AN ORDINANCE APPROVING AND ADOPTING THE CITY OF FULSHEAR, TEXAS, GENERAL BUDGET FOR THE FISCAL YEAR 2005; 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 2004-2005 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 8th day of September 2004, 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 2004-2005."

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 15th day of September 2004.

J. Michael Dinges
Mayor

ATTEST:

Kathy Mayfield
City Secretary

THE ORIGINAL GENERAL BUDGET OF THE CITY OF FULSHEAR, TEXAS FOR THE FISCAL YEAR 2004-2005

FUND: GENERAL FUND

	2003 ACTUAL	2004 BUDGET	6 MOS ACTUAL	2004 PROJECTED	2005 BUDGET
Revenue					
Administration	$ 341,664.07	294,646.00	$ 231,797.00	$ 359,990.00	$ 346,896.00
Municipal Court	$ 3,977.90	3,600.00	$ 2,493.00	$ 3,600.00	$ 2,700.00
Total Revenue	**$ 345,641.97**	**298,246.00**	**$ 234,290.00**	**$ 363,590.00**	**$ 349,596.00**
Expenses					
Administration	$ 150,678.96	175,154.00	$ 81,570.00	$ 190,996.00	$ 267,243.00
Municipal Court	$ 10,229.78	11,324.00	$ 4,676.00	$ 19,879.00	$ 13,572.00
Sheriff's Department	$ 5,337.89	3,640.00	$ 1,546.00	$ 3,360.00	$ 4,630.00
Streets	$ 148,973.30	139,000.00	$ 19,720.00	$ 58,218.00	$ 195,512.00
Total Expenses	**$ 315,219.93**	**329,118.00**	**$ 107,512.00**	**$ 272,453.00**	**$ 480,957.00**
Excess Revenue over (under)	**$ 30,422.04**	**$ (30,872.00)**	**$ 126,778.00**	**$ 91,137.00**	**$ (131,361.00)**
FUND: ENTERPRISE FUND	**$ 6,182.72**	**$ (279,900.00)**	**$ 3,718.00**	**$ (110,447.00)**	**$ (169,694.00)**
FUND: REGIONAL PARK FUND (restricted)	**$ -**	**$ -**	**$ 3,850.00**	**$ 40,550.00**	**$ 36,000.00**

Kathy Mayfield - 9-15-04

Kathy Mayfield, City Secretary

2005 PROPOSED BUDGET

DEPT: ADMINISTRATION

	2003 ACTUAL	2004 BUDGET	6 MOS ACTUAL	2004 PROJECTED	2005 BUDGET
Revenue					
Revenue from Asset Sales	$ -	$ -	$ -	$ -	$ -
HL&P Franchise Fee	$ 37,452.91	$ 40,000.00	$ 16,786.00	$ 33,500.00	$ 34,000.00
Telephone Franchise Fee	$ 8,210.24	$ 7,000.00	$ 4,528.00	$ 9,000.00	$ 9,000.00
Building Permit	$ 11,813.86	$ 8,000.00	$ 13,082.00	$ 25,000.00	$ 25,000.00
Inspection Fees	$ 3,752.00	$ -	$ 9,411.00	$ 13,000.00	$ 13,000.00
License & Permits (Liquor)	$ 290.00	$ 250.00	$ 230.00	$ 600.00	$ 600.00
Sales and Use Tax	$ 72,047.10	$ 60,000.00	$ 38,073.00	$ 75,000.00	$ 80,000.00
Mixed Drink Tax	$ 791.50	$ 1,000.00	$ 363.00	$ 700.00	$ 700.00
Interest Earned	$ 19,338.11	$ 11,400.00	$ 8,514.00	$ 17,000.00	$ 14,250.00
Office Rental Fees	$ 10,245.00	$ 10,200.00	$ 5,950.00	$ 10,200.00	$ 3,400.00
Community Center Rental	$ 10,614.45	$ 7,000.00	$ 5,904.00	$ 9,000.00	$ 5,800.00
Candidate Filling Fees	$ 30.00	$ 75.00	$ 90.00	$ 90.00	$ 90.00
Property Taxes - Current	$ 146,328.03	$ 151,227.00	$ 112,972.00	$ 140,500.00	$ 146,800.00
Property Taxes - Delinquent	$ 13,350.44	$ 4,000.00	$ 3,033.00	$ 6,000.00	$ 5,000.00
Non-Collected taxes	$ -	$ (12,106.00)	$ -	$ -	$ (11,744.00)
Property Taxes - Penalty & Int.	$ 6,193.28	$ 4,000.00	$ 2,023.00	$ 4,000.00	$ 4,000.00
Other Revenue	$ 98.65	$ 500.00	$ 1,100.00	$ 1,200.00	$ 500.00
Sign Permit Fees	$ 250.00	$ 600.00	$ 450.00	$ 1,400.00	$ 2,500.00
Electrical Licenses	$ 525.00	$ 1,500.00	$ 1,435.00	$ 2,800.00	$ 3,000.00
Bldg Contractor License	$ 100.00	$ -	$ 1,500.00	$ 2,000.00	$ 2,000.00
Platting Fees	$ 233.50	$ -	$ 6,353.00	$ 9,000.00	$ 9,000.00
Total Revenue	$ 341,664.07	$ 294,646.00	$ 231,797.00	$ 359,990.00	$ 346,896.00
Expenses					
Salaries	$ 61,668.64	$ 71,000.00	$ 37,474.00	$ 85,100.00	$ 129,200.00
Allocation - Muni Court Salaries - (5%)	$ (3,083.43)	$ (3,550.00)	$ (1,874.00)	$ (4,255.00)	$ (6,460.00)
Allocation - Enterprise Salaries - (7.5%)	$ (9,250.30)	$ (10,650.00)	$ (2,811.00)	$ (6,382.00)	$ (9,690.00)
Payroll Taxes	$ 4,717.40	$ 5,680.00	$ 2,867.00	$ 6,808.00	$ 10,336.00
Allocation - Payroll Tax-Muni Court -(5%)	$ (235.87)	$ (284.00)	$ (143.00)	$ (340.00)	$ (517.00)
Allocation - Payroll Tax-Enterprise - (7.5%)	$ (707.61)	$ (852.00)	$ (215.00)	$ (511.00)	$ (776.00)
Employee Health & Life Insurance	$ 7,368.28	$ 8,100.00	$ 3,558.00	$ 12,864.00	$ 25,700.00
Legal Fees	$ 8,655.00	$ 12,000.00	$ 7,388.00	$ 12,000.00	$ 10,000.00
Insurance	$ 5,687.50	$ 6,700.00	$ 3,560.00	$ 7,120.00	$ 7,500.00
Allocation - Insurance - Muni Court (5%)	$ (284.37)	$ (335.00)	$ (178.00)	$ (356.00)	$ (375.00)
Allocation - Insurance - Enterprise (15%)	$ (853.11)	$ (1,005.00)	$ (534.00)	$ (1,068.00)	$ (1,125.00)
Insurance - Deductible	$ 1,000.00	$ 1,000.00	$ -	$ 1,000.00	$ 1,000.00
Publication of Notices	$ 1,415.32	$ 500.00	$ 693.00	$ 1,400.00	$ 1,500.00
Professional Services	$ 8,750.00	$ 10,000.00	$ 537.00	$ 8,500.00	$ 10,000.00
Allocation - Prof.Services - Muni Court (5%	$ (437.50)	$ (500.00)	$ (27.00)	$ (425.00)	$ (500.00)
Contract Labor	$ 1,879.50	$ 10,000.00	$ 3,694.00	$ 4,000.00	$ 1,500.00
Dues & Subscriptions	$ 2,745.98	$ 2,600.00	$ 2,832.00	$ 3,000.00	$ 3,000.00
School & Certification	$ 136.61	$ 1,000.00	$ 37.00	$ 37.00	$ 500.00
Fire School	$ -	$ 1,200.00	$ -	$ 1,200.00	$ 1,500.00
Engineering Services	$ -	$ 1,000.00	$ -	$ 1,000.00	$ 1,000.00
Travel & Meal Expenses	$ -	$ 1,000.00	$ -	$ 1,000.00	$ 1,000.00
Expense Allowance - Mayor	$ 2,200.00	$ 2,400.00	$ 1,200.00	$ 2,400.00	$ 2,400.00
Building Repair & Maintenance	$ 27,784.11	$ 10,000.00	$ 3,666.00	$ 10,000.00	$ 15,000.00
Allocation - Bldg R/M Sheriff's Dept (10%	$ (2,778.41)	$ (1,000.00)	$ (366.00)	$ (1,000.00)	$ (1,500.00)

City Hall / Comm. Ctr Cleaning		$	2,162.38	$	3,500.00	$	770.00	$	2,500.00	**$ 2,500.00**
Utilities		$	14,676.69	$	14,000.00	$	7,114.00	$	14,200.00	**$ 16,500.00**
Allocation - Utilities - Muni Court	(10%)	$	(1,467.66)	$	(1,400.00)	$	(711.00)	$	(1,420.00)	**$ (1,650.00)**
Allocation - Utilities - Sheriff's Dept	(10%	$	(1,467.66)	$	(1,400.00)	$	(711.00)	$	(1,420.00)	**$ (1,650.00)**
Telephone		$	5,459.11	$	6,200.00	$	2,345.00	$	4,700.00	**$ 7,400.00**
Allocation - Telephone - Muni Court	(5%	$	(272.95)	$	(310.00)	$	(117.00)	$	(235.00)	**$ (370.00)**
Allocation - Telephone - Sheriff's Dept	(20	$	(1,091.82)	$	(1,240.00)	$	(469.00)	$	(940.00)	**$ (1,480.00)**
Awards & Condolences		$	1,325.45	$	200.00	$	63.00	$	125.00	**$ 200.00**
Office Equipment		$	-	$	-	$	-	$	1,192.00	**$ 5,000.00**
Office Supplies		$	1,210.00	$	2,200.00	$	1,269.00	$	2,500.00	**$ 2,500.00**
Postage		$	425.70	$	250.00	$	186.00	$	372.00	**$ 400.00**
Printing		$	553.15	$	1,500.00	$	63.00	$	126.00	**$ 200.00**
Equipment Repair & Supplies		$	1,121.54	$	2,000.00	$	537.00	$	1,074.00	**$ 2,000.00**
Capital Outlay		$	-	$	-	$	-	$	-	**$ -**
Capital Outlay - Smart Park		$	1,731.29	$	500.00	$	125.00	$	250.00	**$ 500.00**
Capital Outlay - Comm C Park		$	-	$	-	$	-	$	-	**$ -**
Professional City Planning		$	4,147.50	$	10,000.00	$	1,190.00	$	2,380.00	**$ 10,000.00**
Building Inspector		$	5,788.50	$	3,150.00	$	8,478.00	$	12,500.00	**$ 13,000.00**
Metro Beautification		$	-	$	10,000.00	$	80.00	$	10,000.00	**$ 10,000.00**
Seasonal Decorations		$	-	$	-	$	-	$	-	**$ 2,000.00**
Total Expenses		**$**	**150,678.96**	$	175,154.00	$	81,570.00	$	190,996.00	**$ 267,243.00**
Excess Revenue over (under)		**$**	**190,985.11**	$	119,492.00	$	150,227.00	$	168,994.00	**$ 79,653.00**

2005 PROPOSED BUDGET

DEPT: MUNICIPAL COURT

	2003 ACTUAL	2004 BUDGET	6 MOS ACTUAL	2004 PROJECTED	2005 BUDGET
Revenue					
Fines & Def. Disp. Fees	$ 3,965.98	$ 4,000.00	$ 2,234.00	$ 4,000.00	**$ 3,000.00**
Other Revenue	$ 1,048.84	$ 1,000.00	$ 498.00	$ 1,000.00	**$ 750.00**
Less: Percentage to State	$ (1,036.92)	$ (1,400.00)	$ (239.00)	$ (1,400.00)	**$ (1,050.00)**
Total Revenue	3,977.90	3,600.00	2,493.00	3,600.00	**2,700.00**
Expenses					
Salaries	$ -	$ -	$ -	$ -	**$ -**
Allocation - Admin - Salaries	$ 3,083.43	$ 3,550.00	$ 1,874.00	$ 4,255.00	**$ 6,460.00**
Payroll Taxes	$ -	$ -	$ -	$ -	**$ -**
Allocation - Admin - Payroll Taxes	$ 235.87	$ 284.00	$ 143.00	$ 340.00	**$ 517.00**
Employee Benefits	$ -	$ -	$ -	$ -	**$ -**
Judge's Fee	$ 2,100.00	$ 2,250.00	$ 900.00	$ 1,800.00	**$ 1,800.00**
Alternate Judge's Fee	$ -	$ -	$ -	$ -	**$ -**
Allocation - Admin - Utilities	$ 1,467.66	$ 1,400.00	$ 711.00	$ 1,420.00	**$ 1,650.00**
Allocation - Admin - Insurance	$ 284.37	$ 335.00	$ 178.00	$ 356.00	**$ 375.00**
Juror's Fee	$ -	$ -	$ -	$ -	**$ -**
Contract Services	$ 890.56	$ 1,000.00	$ 652.00	$ 1,400.00	**$ 1,050.00**
Allocation - Admin - Prof. Services	$ 437.50	$ 500.00	$ 27.00	$ 425.00	**$ 500.00**
Dues & Subscription	$ -	$ -	$ -	$ -	**$ -**
School & Certification	$ 88.83	$ 100.00	$ -	$ -	**$ 100.00**
Travel & Meal Expenses	$ -	$ 150.00	$ -	$ -	**$ 150.00**
Refunds & Overpayments	$ -	$ -	$ -	$ 9,000.00	**$ -**
Office Supplies	$ -	$ -	$ -	$ -	**$ -**
Postage	$ -	$ 100.00	$ -	$ 50.00	**$ 100.00**
Paging Service	$ 168.61	$ 145.00	$ 74.00	$ 98.00	**$ -**
Printing	$ -	$ -	$ -	$ -	**$ -**
Equipment Repair & Supplies	$ -	$ -	$ -	$ -	**$ -**
Allocation - Admin - Telephone	$ 272.95	$ 310.00	$ 117.00	$ 235.00	**$ 370.00**
Capital Outlay	$ -	$ -	$ -	$ -	**$ -**
Legal Fees	$ 1,200.00	$ 1,200.00	$ -	$ 500.00	**$ 500.00**
Total Expenses	$ 10,229.78	$ 11,324.00	$ 4,676.00	$ 19,879.00	**$ 13,572.00**
Excess Revenue Over (Under)	$ (6,251.88)	$ (7,724.00)	$ (2,183.00)	$ (16,279.00)	**$ (10,872.00)**

2005 PROPOSED BUDGET

DEPT: STREET DEPARTMENT

	2003 ACTUAL	2004 BUDGET	6 MOS ACTUAL	2004 PROJECTED	2005 BUDGET
Expenses					
Salary	$ -	$ -	$ -	$ -	**$ 15,000.00**
Hourly Wages	$ 10,557.60	$ 12,000.00	$ 6,114.00	$ 12,228.00	**$ 12,228.00**
Payroll Taxes	$ 809.30	$ 1,000.00	$ 452.00	$ 904.00	**$ 2,284.00**
Contract Labor	$ 6,394.51	$ 10,000.00	$ 4,505.00	$ 9,010.00	**$ 10,000.00**
Contract Service	$ 10,000.00	$ 14,000.00	$ 2,000.00	$ 14,000.00	**$ 14,000.00**
Street Lamps	$ 4,608.24	$ 3,800.00	$ 1,530.00	$ 3,060.00	**$ 4,800.00**
Tractor / Equipment / Supplie	$ 4,893.19	$ 5,000.00	$ 759.00	$ 5,000.00	**$ 5,000.00**
Truck	$ 1,964.09	$ 2,000.00	$ 464.00	$ 928.00	**$ 1,000.00**
Paging Service	$ -	$ -	$ -	$ -	**$ -**
Street Repair	$ 108,822.37	$ 40,000.00	$ 3,602.00	$ 12,500.00	**$ 100,000.00**
Capital Outlay	$ -	$ -	$ -	$ -	**$ -**
Refuse Hauling	$ -	$ -	$ -	$ -	**$ -**
Budget Contingency	$ -	$ -	$ -	$ -	**$ -**
Engineering Fees	$ -	$ -	$ -	$ -	**$ -**
Sign Ordinance Fees	$ 924.00	$ 1,200.00	$ 294.00	$ 588.00	**$ 1,200.00**
Public Works Container	$ -	$ 50,000.00	$ -	$ -	**$ -**
Drainage Work	$ -	$ -	$ -	$ -	**$ 30,000.00**
Total Expenses	$ 148,973.30	$ 139,000.00	$ 19,720.00	$ 58,218.00	**$ 195,512.00**

2005 PROPOSED BUDGET

DEPT: SHERIFF'S DEPARTMENT

	2003 ACTUAL	2004 BUDGET	6 MOS ACTUAL	2004 PROJECTED	2005 BUDGET
Expenses					
Allocation - Admin - Salaries	$ -	$ -	$ -	$ -	$ -
Allocation - Admin - Payroll Tax	$ -	$ -	$ -	$ -	$ -
Allocation - Admin - Insurance	$ -	$ -	$ -	$ -	$ -
Allocation - Admin - Utilities	$ 1,467.66	$ 1,400.00	$ 711.00	$ 1,420.00	$ 1,650.00
Allocation - Admin - Telephone	$ 1,091.82	$ 1,240.00	$ 469.00	$ 940.00	$ 1,480.00
Allocation - Admin - Repair/Maint	$ 2,778.41	$ 1,000.00	$ 366.00	$ 1,000.00	$ 1,500.00
Total Expenses	$ 5,337.89	3,640.00	$ 1,546.00	$ 3,360.00	**$ 4,630.00**

2005 PROPOSED BUDGET

DEPT: ENTERPRISE FUND

	2003 ACTUAL	2004 BUDGET	6 MOS ACTUAL	2004 PROJECTED	2005 BUDGET
Revenue					
Water/Sewer Charges	$ 61,964.17	$ 63,000.00	$ 30,193.00	$ 60,385.00	**$ 64,000.00**
Solid Waste Collection	$ 25,609.05	$ 26,700.00	$ 14,680.00	$ 26,700.00	**$ 29,370.00**
Interest From NOW Accounts	$ 855.20	$ 600.00	$ 553.00	$ 700.00	**$ 300.00**
Sewer Tap Fees	$ 1,000.00	$ 2,000.00	$ 1,050.00	$ 2,100.00	**$ 1,000.00**
Water Meter & Tap Fees	$ 920.00	$ 1,000.00	$ 920.00	$ 1,840.00	**$ 920.00**
Sewer Inspection Fees	$ -	$ -	$ -	$ -	**$ -**
Water Inspection Fees	$ -	$ -	$ -	$ -	**$ -**
Transfer from General Fund	$ -	$ -	$ -	$ -	**$ -**
Total Revenue	$ 90,348.42	$ 93,300.00	$ 47,396.00	$ 91,725.00	**$ 95,590.00**
Expenses					
Salaries - Allocation - Adm.	$ -	$ -	$ -	$ -	**$ -**
Allocation - Adm. Salaries	$ 9,250.30	$ 10,650.00	$ 2,811.00	$ 6,382.00	**$ 9,690.00**
Payroll Taxes	$ -	$ -	$ -	$ -	**$ -**
Allocation - Adm. Payroll Taxes	$ 707.61	$ 852.00	$ 215.00	$ 511.00	**$ 776.00**
Allocation - Adm Insurance	$ 853.11	$ 1,005.00	$ 534.00	$ 1,068.00	**$ 1,125.00**
Publication of Notices	$ -	$ 100.00	$ -	$ 100.00	**$ 100.00**
Contractual Services	$ 11,941.50	$ 15,000.00	$ 5,979.00	$ 11,958.00	**$ 25,596.00**
Solid Waste Service	$ 28,763.69	$ 26,700.00	$ 11,125.00	$ 26,700.00	**$ 29,370.00**
Engineering Service	$ -	$ 300.00	$ -	$ -	**$ 2,200.00**
Sludge Haul Service	$ 8,269.81	$ 8,500.00	$ 4,830.00	$ 9,660.00	**$ 7,000.00**
Permit Fees	$ 1,101.96	$ 2,400.00	$ 1,195.00	$ 2,400.00	**$ 1,200.00**
Heat, Light & Power	$ 12,448.44	$ 15,000.00	$ 6,899.00	$ 13,800.00	**$ 14,000.00**
Plant Repairs & Maintenance	$ 6,003.39	$ 6,000.00	$ 5,289.00	$ 6,000.00	**$ 10,000.00**
General Supplies	$ 3,828.58	$ 4,000.00	$ 4,111.00	$ 6,000.00	**$ 5,000.00**
Office Supplies	$ -	$ 300.00	$ -	$ 300.00	**$ -**
Postage	$ 997.31	$ 1,500.00	$ 690.00	$ 1,400.00	**$ -**
Capital Outlay	$ -	$ -	$ -	$ -	**$ -**
Capital to Capital Projects	$ -	$ 83,663.00	$ -	$ 83,663.00	**$ -**
Sewer & Water Extensions	$ -	$ 157,230.00	$ -	$ 32,230.00	**$ 130,000.00**
Emergency Generators	$ -	$ 40,000.00	$ -	$ -	**$ 5,000.00**
Contingency	$ -	$ -	$ -	$ -	**$ 24,227.00**
Total Expenses	$ 84,165.70	$ 373,200.00	$ 43,678.00	$ 202,172.00	**$ 265,284.00**
Excess Revenue over (under)	$ 6,182.72	$(279,900.00)	$ 3,718.00	$ (110,447.00)	**$ (169,694.00)**

2005 PROPOSED BUDGET

REGIONAL PARK

Revenue

Date	Name of Subdivision	No. of Lots	Per Lot	Amount of Contribution
1/15/04	Naferdon Subdivision	4	$350.00	$ 1,400.00
5/26/04	Foster Island Estates	7	$350.00	$ 2,450.00
7/26/04	Firethorne - Section 1	66	$100.00	$ 6,600.00
7/26/04	Firethorne - Section 2	64	$100.00	$ 6,400.00
8/30/04	Firethorne - Section 3	133	$100.00	$13,300.00
8/30/04	Firethorne - Section 4	104	$100.00	$10,400.00
TOTAL CONTRIBUTIONS AS OF AUGUST 30, 2004				**$ 40,550.00**

6 Mos Actual	PROJECTED CONTRIBUTIONS 2004	2005	Projected Balance 12/31/05
$3,850.00	$ 40,550.00	$ 36,000.00	$ 76,550.00

2005 PROPOSED BUDGET

FUND: CAPITAL PROJECTS FUND

	2003 BUDGET	2003 ACTUAL	2004 BUDGET	6 MOS ACTUAL	2004 PROJECTED	2005 BUDGET
REVENUE						
Sewer Plant Grant	$ 366,900.00	$ 29,250.00	$ 337,650.00	$ 168,096.42	$ 337,650.00	$ -
Transfer from Enterprise Fund - Sewer Grant	$ 43,100.00	$ -	$ 79,763.00	$ -	$ 79,763.00	$ -
Transfer from Enterprise Fund -Water Ext. Under FM 1093	$ 16,000.00	$ -	$ 32,230.00	$ -	$ 32,230.00	$ -
Transfer from Enterprise Fund - Water Ext.- Bois D'Arc			$ 150,000.00	$ -	$ 150,000.00	$ 130,000.00
Dixon - Sewer Extension Grant			$ 34,100.00	$ -	$ 34,100.00	$ -
Transfer from Enterprise Fund - Dixon Sewer Extension			$ 3,900.00	$ -	$ 3,900.00	$ -
Generator Grant						$ 125,000.00
Transfer from Enterprise Fund - Generator Grant						$ 5,000.00
TOTAL REVENUE	**$ 426,000.00**	**$ 29,250.00**	**$ 637,643.00**	**$ 168,096.42**	**$ 637,643.00**	**$ 260,000.00**
EXPENSES						
Construction - Sewer Plant	$ 336,000.00	$ -	$ 336,000.00	$ 168,096.42	$ 336,000.00	$ -
Engineering/Inspections - Sewer Plant	$ 40,400.00	$ 29,250.00	$ 11,150.00	$ -	$ 11,150.00	$ -
Contingencies - Sewer Plant	$ 33,600.00	$ -	$ 70,263.00	$ -	$ 70,263.00	$ -
Construction - Water Ext. Under FM1093	$ 16,000.00	$ -	$ 32,230.00	$ -	$ 32,230.00	$ -
Construction - Water Ext. Down Bois D'Arc Lane			$ 150,000.00	$ -	$ 150,000.00	$ 130,000.00
Construction - Dixon Sewer Extension			$ 30,200.00	$ -	$ 30,200.00	$ -
Engineering/Inspections - Dixon Sewer Ext.			$ 4,780.00	$ -	$ 4,780.00	$ -
Contingencies - Dixon Sewer Extension			$ 3,020.00	$ -	$ 3,020.00	$ -
Construction - Generator Grant						$ 109,000.00
Engineering/Inspections - Generators						$ 10,100.00
Contingencies- Generators						$ 10,900.00
TOTAL EXPENSES	**$ 426,000.00**	**$ 29,250.00**	**$ 637,643.00**	**$ 168,096.42**	**$ 637,643.00**	**$ 260,000.00**

ORDINANCE NO. 04-915

AN ORDINANCE PROVIDING FOR THE ASSESSMENT, LEVY, AND COLLECTION OF AD VALOREM TAXES OF THE CITY OF FULSHEAR, TEXAS, FOR THE YEAR 2004 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 2004, and for each year thereafter until otherwise provided, an ad valorem tax at the rate of Thirty-three and 000/1000 Cents ($.33000) 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, 2005. 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 15th day of September 2004.

J. Michael Dinges
Mayor

ATTEST:

Kathy Mayfield
City Secretary

ORDINANCE NO. 04- 916

AN ORDINANCE OF THE CITY OF FULSHEAR, TEXAS, AMENDING ORDINANCE NO. 03-905, PASSED AND APPROVED ON THE 17TH DAY OF DECEMBER 2003, SAME BEING AN ORDINANCE OF THE CITY ADOPTING THE FORT BEND COUNTY DRAINAGE PLAN, MAKING THE DRAINAGE REQUIREMENTS OF SAID DRAINAGE PLAN APPLICABLE TO ALL CONSTRUCTION, ALTERATION, OR MODIFICATION OF LAND EQUAL TO OR GREATER THAN TWO (2) ACRES IN SIZE; PROVIDING A PENALTY OF AN AMOUNT NOT TO EXCEED $2,000 FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF; REPEALING THAT PORTION OF ORDINANCE NO. 03-905 AND ALL OTHER ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT HEREWITH; AND PROVIDING FOR SEVERABILITY.

* * * * * * * * * *

WHEREAS, the City Council of the City of Fulshear, Texas passed and approved Ordinance 03-905 on or about the 17th day of December, 2003; and

WHEREAS, the City Council of the City of Fulshear, Texas desires to amend said Ordinance to make the drainage requirements of the Fort Bend Drainage Plan applicable to any person or entity making any improvements, construction or alteration to any tract land equal to or greater than two (2) acres in size; now, therefore,

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

Section 1. Section 3 of Ordinance No. 03-905 is hereby amended by adding the Section 3 the following language:

> "For purposes of this Ordinance, the drainage requirements of the Fort Bend County Drainage Plan shall apply to all non-residential construction or alterations of land or structures within the corporate limits of the City consisting of two (2) acres or larger, whether the property is being subdivided or not."

Section 2. The provisions of Ordinance No. 03-905 which are inconsistent with this Ordinance, and all other ordinances or parts of ordinances which are in conflict herewith, are hereby repealed.

Section 3. 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 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 15 day of September, 2004.

Michael Dinges

Michael Dinges, Mayor

ATTEST:

Kathy Mayfield

Kathy Mayfield, City Secretary

ORDINANCE NO. 04-917

AN ORDINANCE OF THE CITY OF FULSHEAR, TEXAS, AMENDING ORDINANCE NO. 03-905, PASSED AND APPRVED ON THE 17TH DAY OF DECEMBER 2003, SAME BEING AN ORDINANCE OF THE CITY ADOPTING THE FORT BEND COUNTY DRAINAGE PLAN, REQUIRING ALL DRAINAGE PLANS REQUIRED HEREUNDER TO BE REVIEWED AND APPROVED BY THE CITY ENGINEER; REQUIRING THE PAYMENT OF A FEE FOR THE REVIEW OF SAID DRAINAGE PLANS IN AN AMOUNT TO BE ESTABLISHED BY THE CITY COUNCIL; PROVIDING A PENALTY OF AN AMOUNT NOT TO EXCEED $2,000 FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF; REPEALING THAT PORTION OF ORDINANCE NO. 03-905 AND ALL OTHER ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT HEREWITH; AND PROVIDING FOR SEVERABILITY.

* * * * * * * * * *

WHEREAS, the City Council of the City of Fulshear, Texas passed and approved Ordinance 03-905 on or about the 17th day of December, 2003; and

WHEREAS, the City Council of the City of Fulshear, Texas desires to amend said Ordinance to make the drainage requirements of the Fort Bend Drainage Plan applicable to any person or entity making any improvements, construction or alteration to any tract land equal to or greater than two (2) acres in size; now, therefore,

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

Section 1. Ordinance No. 03-905 is hereby amended by adding thereto a new Section 6 as follows:

> "Any drainage plan required by this Ordinance shall be submitted to the City Engineer for his review and approval. All drainage plans submitted to the City Engineer for review and approval shall be accompanied with a fee for such plan review in an amount to be determined by resolution of the City Council of the City."

Section 2. The provisions of Ordinance No. 03-905 which are inconsistent with this Ordinance, and all other ordinances or parts of ordinances which are in conflict herewith, are hereby repealed.

Section 3. 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 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 20th day of October, 2004.

Michael Dinges

Michael Dinges, Mayor

ATTEST:

Kathy Mayfield

Kathy Mayfield, City Secretary

John Smart	- Absent
J. B. Collins, Jr.	- Aye
Bill Archer	- Aye
Owen Bement	- Aye
Colice Watts	- Aye