

PREFERRED LANDSCAPING MATERIALS

Preferred Trees and Shrubs to be used to meet city landscaping standards include, but are not specifically restricted to:

TABLE INSET:

	Botanical Name	Common Name
SHADE TREES		
		Red Oak
	Quercus Virginiana	Live Oak
	Quercus Nigra	Water Oak
	Ulmus Parvifolia	Drake Elm
	Carya Illinoensis	Pecan
		Chinese Elm
		Laurel Oak
ORNAMENTAL TREES		
	Magnolia Grandiflora	Southern Magnolia
	Betula Nigra	Riverbirch
	Cercis Canadensis	Redbud
	Ilex Opaca	Savannah Holly
	Photinia Fraseri	Photinia Tree
	Lagerstroemia Indica	Crepe Myrtle
	Pyrus Calleryana	Bradford Pear
		Wax Myrtle
SHRUBS FOR SCREENING AND BUFFERING		
	Ligustrum Japonica	Waxleaf Ligustrum
	Photinia Fraseri	Redtip Photinia
		Oleander
		Wax Myrtle
		Burford Holly
	Raphiolepis	Indian Hawthorn
	Ilex Vomitoria	Nana' Dwarf Youpon Holly
	Ilex Conruta	Dwarf Chinese Holly
	Rhododendron Indica	Azaleas
	Ilex Furfordii	Dwarf Burford Holly
	Pittosporum Tobira	Green Pittosporum
	Pittosporum Variegata	Variegated Pittosporum
	Pittosporum Wheeleri	Dwarf Pittosporum
	Lagerstroemia Indica	Dwarf Crepe Myrtle
	Nandina Domestica	Compact Nandina
	Juniperus C. Parsonii	Parson Juniper

EXHIBIT A

	Botanical Name	Common Name
	Juniperus C. Tamariscifolia	Tam Juniper
	Juniperus C. Pftzeranna	Pfizer Juniper
GROUNDCOVER PLANTINGS		
	Trachelospermum Asiaticum	Asian Jasmine
	Ophiogon Japonica	Monkey Grass
	Buxus Macrophylla	Boxwood
	Gelsemium Semperviren	Carolina Jessamine
	Liriope Muscari	Liriope
		Honeysuckle

SEASONAL COLOR

Annuals and perennials are especially recommended for enhancing the landscape treatment.

TABLE INSET:

April through October:	Petunias	Begonias
	Salvia	Verbena
	Daylillies	Impatiens
	Lantana	Portulaca
	Mexican Heather	
November through March:	Dianthus	Pansies

EXHIBIT A

ORDINANCE NO. #06-936

AN ORDINANCE OF THE CITY OF FULSHEAR, TEXAS, ESTABLISHING RULES AND REGULATIONS REQUIRING THE LANDSCAPING, SCREENING, AND MAINTENANCE OF COMMERCIAL PROPERTY WITHIN THE CITY; REQUIRING THE SCREENING OF ACCESSORY STRUCTURES ON COMMERCIAL PROPERTIES; PROVIDING FOR SEVERABILITY; PROVIDING A PENALTY OF AN AMOUNT NOT TO EXCEED \$2,000 FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF; AND CONTAINING OTHER PROVISIONS RELATING TO THE SUBJECT.

* * * * *

WHEREAS, the City Council of the City of Fulshear desires to promote and maintain the aesthetic and natural aspects of its character as it develops; and

WHEREAS, the Planning Commission of the City of Fulshear, at the request of the City Council, has considered at length the regulation of landscaping on commercial properties which will be developed in the future; and

WHEREAS, the City Council of the City of Fulshear finds that it is in the best interest of the health, safety and welfare of its citizens to regulate the development of commercial properties within its City limits with regard to tree preservation and landscaping. It is the goal of the City of Fulshear to maintain its natural character in a manner consistent with the rights and privileges of its citizens while recognizing the need for quality economic development; 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. **Purpose.** The purpose of this ordinance is:

- (1) To preserve and improve the appearance of commercial properties when viewed from the street.
- (2) To safeguard and enhance property values and protect public and private investments.

- (3) To screen from public view the unattractive aspects of commercial properties.
- (4) To reduce the negative environmental effects of commercial development while protecting and enhancing the value of developed properties and the surrounding area.
- (5) To promote and protect the health, safety and welfare of the citizens by creating an urban environment that is aesthetically pleasing and that promotes economic development through an enhanced quality of life.

Section 3. Definitions.

Commercial Use shall mean any use other than a residential use.

Residential Use shall mean a use providing wholly or primarily non-transient living accommodations, excluding institutional living arrangements providing 24-hour skilled nursing or medical care, forced residence, or therapeutic settings.

Section 4. Scope and Application.

- (a) This ordinance shall apply to the section of property that borders any streets of all building sites where any of the following conditions is present, except as provided in subsection (b) below.
 - (1) There is new construction of a building for which a building permit is required.
 - (2) There is an enlargement exceeding five hundred (500) square feet or ten (10%) percent in area of the exterior dimensions of an existing building for which a building permit is required.
 - (3) There is construction of new parking lot or expansion of an existing parking lot within the section of property that borders all streets by more than one thousand (1,000) square feet or ten (10%) percent in area.
- (b) When a building or parking lot is enlarged, the requirements of this ordinance shall be applied incrementally such that landscaping shall be required in proportion to the enlarged building area or off-street parking area to the existing development.
- (c) This ordinance shall not apply to the following situations:
 - (1) Residential uses with four (4) or less dwelling units per lot.
 - (2) Interior finish work or remodeling in a portion of a building unless the work results in an increase in the paving area of the parking facilities within the section of property that borders any streets or in an enlargement of the exterior dimensions of an existing building.

- (d) A building located within the section of property that borders any streets of another building shall be considered as a separate building site unless it has previously been included within an approved landscape plan.

Section 5. Landscape Plan.

- (a) The person, corporation, partnership, developer, entity as owner of property (“landowner”) to which this ordinance applies shall, at the time of applying for a permit and prior to commencement of any work on the site, submit a landscape plan to the permits department of the City.
- (b) No permit shall be issued for work on any property to which this ordinance applies until a landscape plan has been submitted and approved by the building official or his designee.
- (c) The landscape plan submitted for approval shall:
 - (1) Identify the project and location,
 - (2) Show a north arrow,
 - (3) Be drawn to scale and identify the scale, (presented on a minimum size of 11 x 17 paper)
 - (4) Identify the landscape designer giving names, address and telephone number,
 - (5) Show structure location,
 - (6) Show parking locations,
 - (7) Show set back lines,
 - (8) Identify plant types and spacing
 - (9) Show plant quantity,
 - (10) Show plant size,
 - (11) Show street front locations of trees,
 - (12) Show parking space tree locations,
 - (13) Show location, type and size of existing trees,
 - (14) Show ponds, lakes and fountain locations, and
 - (15) Show screening and layout details.

Section 6. Landscaping Requirements.

- (a) For all areas outside the Old Downtown Fulshear area:
- (1) Landscaping shall consist of trees as required by this Ordinance, and a choice of plant materials including but not limited to planted grass, shrubs and ground cover. Except as provided herein, required landscaping shall be chosen from the trees, shrubs, groundcovers and other plant materials contained on Exhibit "A" attached hereto and incorporated herein by this reference for all purposes. A minimum of all of the adjacent right-of-way as well as an additional ten (10%) percent of the lot area not covered by structure shall be utilized for landscaping. This lot area shall be calculated in the manner described in Exhibit "B" attached hereto and incorporated herein by this reference for all purposes.
 - (2) Along the street frontage of every lot, whether along the front, side, or rear of the lot, a buffer zone shall be created between the developed area and the right-of-way no less than thirty (30') feet in width and shall contain one Live Oak tree for every thirty feet (30') of street frontage. Said Live Oak trees shall be planted a minimum of thirty (30') apart. Easements may be considered as part of the required buffer zone. Vegetative ground cover chosen from the list contained in Exhibit "A" shall be planted on all buffer zones.
 - (3) In addition to the requirements contained in subsection (2) above, any parking area containing fifteen (15) or more spaces shall provide landscape area for the planting of one (1) tree and three (3) shrubs. Larger parking areas shall be landscaped with one (1) tree and three (3) shrubs for every fifteen (15) spaces or part thereof.
 - (4) All trees required by this Ordinance shall be a minimum of three (3") inch caliper as measured twelve (12") inches above grade. Grade shall be measured from the top of the ball or the top of the soil level inside a containerized tree.
 - (5) All existing trees with a three (3") inch or greater caliper measured at twelve (12") inches above grade that are salvaged and protected during construction shall be counted toward the satisfaction of this requirement in the parking area.
 - (6) If living ten (10") inch caliper or greater Live Oak or Pecan trees must be removed as part of the development or enlargement process, two (2) trees, as described in subsection (4) above, shall be planted as a replacement for each tree removed.
 - (7) Required plants/trees must be maintained in a healthy condition at all times. The property owner is responsible for regular weeding, mowing of grass, irrigating, fertilizing, pruning, and other maintenance of all plantings as needed. Any plant/tree that dies or is destroyed must be replaced with another living plant that is compatible with the approved landscape plan as soon as practicable but no later than sixty (60) days after notification by the building official or his designee. The building official or his designee may extend this time period up

to an additional thirty (30) days due to weather considerations. If the plants/trees have not been replaced after appropriate notification and/or extension, the landowner shall be in violation of this ordinance.

- (8) Any damage to utility lines resulting from the negligence of the landowner or the landowner's agents or employees in the installation and maintenance of required landscaping in a utility easement is the responsibility of the landowner. If a public utility disturbs plants/trees within a utility easement, it shall make every reasonable effort to preserve the plants/trees and return them to their prior locations after the utility work. If, nonetheless, plants/trees subsequently die, it is the obligation of the landowner to replace them.
 - (9) Automatic irrigation of all landscaped areas required by this Ordinance shall be required.
- (b) For areas within the Old Downtown Fulshear Area.
- (1) The Old Downtown Fulshear Area shall consist of the lot and block configuration as laid out by Churchill Fulshear as shown in Exhibit "C" attached hereto and incorporated herein by this reference for all purposes.
 - (2) At the time of applying for a building permit, any landowner proposing to expand or enlarge an existing structure within the Old Downtown Fulshear Area or construct any new facility within the Old Downtown Fulshear Area must also present to the permit department, a landscape plan incorporating trees and/or shrubs and/or grass/groundcover into the construction plan. If the landowner is unable to incorporate any such plantings the landowner shall substantiate the reason for failure to incorporate such plantings. If the building official or his designee determines that good cause exists for not incorporating such a plan, the building official or his designee may recommend waiving the landscape requirements. If the building official or his designee determines that reasonable grounds exist for requiring landscape plantings the permit may be denied.

Section 7. Landscape Visibility Requirements. No tree or shrub shall be planted so as to create a traffic hazard or interfere with driver visibility.

Section 8. Accessory Structure Screening Requirements. The following landscape and screening requirements apply to every premise used for Commercial Use:

- (a) Areas used to hold refuse containers must be screened from public view with a solid wood or masonry four (4) sided fence not less than seven feet (7') in height, or one foot (1') above the highest point of the refuse container, whichever is higher, located behind the building or the back build line.

- (b) Exterior ground-mounted or building-mounted equipment to serve a building, including mechanical equipment, utility meter banks, and heating or cooling equipment must be secured from public view with landscaping or with an architectural treatment compatible with the building architecture.
- (c) All rooftop equipment must be screened from public view with an architectural treatment, which is compatible with the building architecture. The methods of screening rooftop equipment include the use of parapet walls and the encasement of partition screens.
- (d) All materials, products, or equipment, which are stored outside of a fully enclosed building, other than for display, must be entirely screened from public view.
- (e) For purposes of this section, "screened from public view" means not visible at eye level from any point on the Lot Line of the abutting premises or from any point on a street.

Section 9. Man made bodies of water and fountains. All man made bodies of water and fountains shall be aerated. Retention areas designed to drain completely following a rain are exempt from the aeration requirements of this Section. All plans must be submitted with building permit application.

Section 10. Compliance

- (a) All requirements of this ordinance shall be completed prior to the time a certificate of occupancy or approval of a parking area is issued or given.
- (b) The obligations to create and maintain landscape areas shall apply to the landowner, their successors and assigns.

Section 11. Tree Preservation. No living tree shall be removed from any public right-of-way or easement without authorization from the building official or his designee, unless the tree in questions is diseased, severely damaged, or dead.

Section 12. Appeal

- (a) Appeals may be made to the City Council.
- (b) Any person who is denied a building permit and such denial is based solely on non-compliance with the Landscaping, Screening and Maintenance Ordinance may file notice of appeal with the City Council. Such appeal must be made within fifteen (15) working days following the date of the denial of a permit. The notice of appeal shall contain a statement of the grounds of the denial and the name of the person who denied

the permit (the notice). The original notice shall be sent to the City Council by mailing to the city secretary of the City of Fulshear, P. O. Box 279, Fulshear, Texas 77441, and a copy to the building official in care of the permit department of the City of Fulshear. Within ten (10) working days after receipt of the notice, the building official or his designee shall deliver to the City Council copies of all documents and papers filed with the department relative to the permit denial (the documents). Only papers and documents relating to landscaping need be submitted. The building official or his designee shall also state in writing the grounds for the denial.

- (c) Any decision of the City Council or variance granted by the City Council shall be in writing and a copy mailed by certified mail, return receipt requested, to the landowner at the address shown on the permit application. The decision shall be mailed within three (3) working days following the date the City Council has rendered its decision.

Section 13. **Penalty.** Any person who shall intentionally, knowingly, recklessly, or with criminal negligence, violate any provision of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined in an amount not to exceed two thousand and no/100 dollars (\$2,000.00). Each day in which any violation shall occur, or each occurrence of any violation, shall constitute a separate offense.

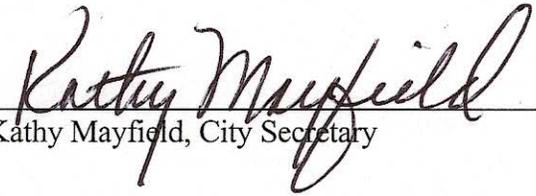
Section 14. In the event any clause, phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this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

PASSED, APPROVED, AND ADOPTED this 15th day of February, 2006.



J. Michael Dinges, Mayor

ATTEST:


Kathy Mayfield, City Secretary

John Smart	<u>Aye</u>
Bill Archer	<u>Aye</u>
J. B. Collins, Jr.	<u>Aye</u>
Colice Watts	<u>Aye</u>
Owen Bement	<u>Aye</u>

PREFERRED LANDSCAPING MATERIALS

Preferred Trees and Shrubs to be used to meet city landscaping standards include, but are not specifically restricted to:

TABLE INSET:

	Botanical Name	Common Name
SHADE TREES		
		Red Oak
	Quercus Virginiana	Llive Oak
	Quercus Nigra	Water Oak
	Ulmas Parvifolia	Drake Elm
	Carya Illinoensis	Pecan
		Chines Elm
		Laurel Oak
ORNAMENTAL TREES		
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EXHIBIT A

	Botanical Name	Common Name
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GROUNDCOVER PLANTINGS		
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	Buxus Macrophlla	Boxwood
	Gelsemium Semperviren	Carolina Jessamine
	Liriope Muscari	Liriope
		Honeysuckle

SEASONAL COLOR

Annuals and perennials are especially recommended for enhancing the landscape treatment.

TABLE INSET:

April through October:	Petunias	Begonias
	Salvia	Verbena
	Daylillies	Impatiens
	Lantana	Portulaca
	Mexican Heather	
November through March:	Dianthus	Pansies

CALCULATION METHOD

Total square footage of property minus total square footage of improvement multiplied by ten percent (10%) equals total landscape area required.

EXHIBIT B



EXHIBIT C

ORDINANCE NO. 06-937

AN ORDINANCE OF THE CITY OF FULSHEAR, TEXAS PROVIDING FOR THE HOLDING OF A GENERAL ELECTION ON MAY 13, 2006, 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 second Saturday in May 2006, the same being the 13th 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 unless such person shall have filed his or her sworn application, as provided by Section 141.031 of the TEXAS ELECTION CODE, with the City Secretary of the City at the City Offices, located at 30603 F.M. 1093, Fulshear, Texas 77441, not later than five o'clock (5:00) p.m. on the sixty-second (62nd) day before the date of such election. The City Secretary shall note on 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

Patricia Erwin 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. In addition to the foregoing hours, early voting will be open at the location herein designated from 7:00 a.m. until 7:00p.m. on May 2, 2006 and May 9, 2006. 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 Mayor. The three (3) candidates receiving the highest number of votes for Alderman shall be declared elected Aldermen.

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 15 day of February, 2006.



J. Michael Dinges
Mayor

ATTEST:



Kathy Mayfield
City Secretary

John Smart	<u>Aye</u>
Bill Archer	<u>Aye</u>
J. B. Collins, Jr.	<u>Aye</u>
Colice Watts	<u>Aye</u>
Owen Bement	<u>Aye</u>

ORDINANCE NO. 06-938

AN ORDINANCE OF THE CITY OF FULSHEAR, TEXAS AMENDING ORDINANCE NO. 06-937 PASSED, APPROVED, AND ADOPTED ON THE 15TH DAY OF FEBRUARY PROVIDING FOR THE HOLDING OF A GENERAL ELECTION ON MAY 13, 2006, FOR THE PURPOSE OF ELECTING A MAYOR AND THREE (3) ALDERMEN, AMENDING SECTION 4 THEREOF TO PROVIDE FOR A PERIOD OF TWELVE (12) DAYS FOR EARLY VOTING, AS REQUIRED BY § 85.001 OF THE TEXAS ELECTION CODE.

* * * * *

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

Section 1. Section 4 of Ordinance No. 06-937, passed, approved, and adopted on February 15, 2006, is hereby amended by deleting all of Section 4 and replacing it with the following language:

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 twelfth (12th) day and continuing through the fourth (4th) day preceding the date of said election. In addition to the foregoing hours, early voting will be open at the location herein designated from 7:00 a.m. until 7:00 p.m. on May 2, 2006, and May 9, 2006. 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 2. Said election shall be held in accordance with the TEXAS ELECTION CODE and the Federal Voting Rights Act of 1965, as amended.

Section 3. Those portions of Ordinance No. 06-937, passed, approved, and adopted on February 15, 2006, in conflict or inconsistent herewith are hereby repealed. No other provision of the Ordinance No. 06-937 is changed or affected in any way by the adoption of this Ordinance.

PASSED, APPROVED, AND ADOPTED the 15 day of March, 2006.



J. Michael Dinges
Mayor

ATTEST:


Kathy Mayfield
City Secretary

Smart	AYE
Archer	AYE
Collins	AYE
Watts	AYE
Bement	AYE

ORDINANCE NO. 06-939

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. 05-935, ADOPTED THE 16TH DAY OF NOVEMBER, 2005 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 of outdoor signs, billboards and other structures designed to make an announcement to the general public can create structural hazards and can present impediments and dangers to traffic along City roadways and easements; and

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

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

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

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

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

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

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

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.

a. For those properties located on the south side of F. M. 1093 and east of F. M. 359 and on the north side of F. M. 1093 and west of F. M. 359, 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 one-hundred twenty (120) 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 fourteen feet (14'), subject to the decorative caps defined below. The total width of the sign, including the sign structure and the portion containing the message of the sign, shall not exceed twelve feet (12'). 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.

b. For all other properties, 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'). The total width of the sign, including the sign structure and the portion containing the message of the sign, shall not exceed twelve feet (12'). 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.

c. Each monument sign authorized by subsections a. and b. above shall be permitted a decorative cap which shall not be included in the total sign height restrictions recited above. Each decorative cap shall be no more than two feet (2') in height and shall extend beyond the permitted width of each such sign by no more than one foot (1') on each side. Any decorative cap permitted by this subsection shall be purely ornamental, and shall be constructed of construction materials identical to or similar to the construction materials used in the construction of the sign or the construction of the building located on the premises.

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 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, 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**

Real estate signs shall be permitted as follows:

1. For parcels ten (10) acres in size or smaller, signs not exceeding six (6) square in total sign area per sign face and no taller than five feet (5') above natural grade;
2. For undeveloped parcels greater than ten (10) acres in size, signs not exceeding eight feet (8') in height above natural grade and not exceeding eight feet (8') in width.

All signs allowed by this subsection shall pertain to the sale or rental of the property on which they are located. Additionally, for all signs allowed by this subsection, any real estate agent posting this sign must have an exclusive listing to market the subject property, or written permission to install the sign from the landowner on which the sign is located. A property owner may post a sign in compliance with this subsection indicating that the property is for sale or lease by owner. Only one sign per road frontage shall be permitted by this subsection.

- 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. The location of banner must comply with permit application at all times. Any person who registers a temporary banner allowed by this subsection shall pay to the City a non-refundable fee in the amount of twenty-five dollars (\$25.00).

- 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 the permitting process and construction. Such temporary construction signs shall be erected for a maximum of six (6) months and shall be no larger than eight feet (8') in height above natural grade by eight feet (8') in width.

- Q. **Temporary Construction – Additional Signs.** Any office or retail business which is permitted a temporary construction announcement sign authorized in subsection P. above, shall be issued a permit for two (2) additional signs which may be used to announce the contractor, subcontractors, architects, engineers, or financial institutions associated with the project. The determination of which entities are permitted to use any such signs authorized by this subsection shall be at the discretion of the owner of the property. Each such sign authorized by this subsection shall be no larger than eight feet (8') in height above natural grade by four feet (4') in width.

- R. **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 seventy-five and no/100 dollars (\$75.00), 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.

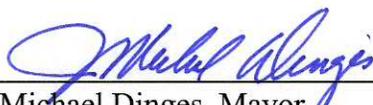
Section 17. **Penalty.** Any person, corporation, or entity who or which intentionally, knowingly, recklessly or with criminal negligence violates any provision of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined in an amount not to exceed \$2,000. Each day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

Section 18. **Repealer.** Ordinance No. 05-935 originally passed and approved the 16th day of November, 2005 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

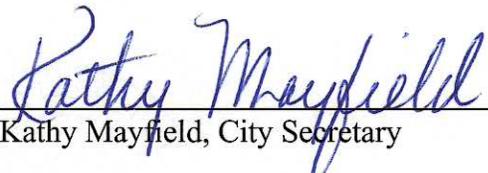
be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Fulshear, Texas, 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 19th day of April 2006.



J. Michael Dinges, Mayor

ATTEST:



Kathy Mayfield, City Secretary

John Smart	<u>AYE</u>
Bill Archer	<u>AYE</u>
J. B. Collins, Jr.	<u>AYE</u>
Colice Watts	<u>AYE</u>
Owen Bement	<u>AYE</u>

ORDINANCE NO. 06-939A

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.06-939, ADOPTED THE 19TH DAY OF APRIL, 2006 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 of outdoor signs, billboards and other structures designed to make an announcement to the general public can create structural hazards and can present impediments and dangers to traffic along City roadways and easements, and

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

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

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

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

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

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

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

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.

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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 one-hundred twenty (120) 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 fourteen feet (14'), subject to the decorative caps defined below. The total width of the sign, including the sign structure and the portion containing the message of the sign, shall not exceed twelve feet (12'). 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.

b. For all other properties, 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'). The total width of the sign, including the sign structure and the portion containing the message of the sign, shall not exceed twelve feet (12'). 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.

c. Each monument sign authorized by subsections a. and b. above shall be permitted a decorative cap which shall not be included in the total sign height restrictions recited above. Each decorative cap shall be no more than two feet (2') in height and shall extend beyond the permitted width of each such sign by no more than one foot (1') on each side. Any decorative cap permitted by this subsection shall be purely ornamental, and shall be constructed of construction materials identical to or similar to the construction materials used in the construction of the sign or the construction of the building located on the premises.

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 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.**

Real estate signs shall be permitted as follows:

1. For parcels ten (10) acres in size or smaller, signs not exceeding six (6) square in total sign area per sign face and no taller than five feet (5') above natural grade;
2. For undeveloped parcels greater than ten (10) acres in size, signs not exceeding eight feet (8') in height above natural grade and not exceeding eight feet (8') in width.

All signs allowed by this subsection shall pertain to the sale or rental of the property on which they are located. Additionally, for all signs allowed by this subsection, any real estate agent posting this sign must have an exclusive listing to market the subject property, or written permission to install the sign from the landowner on which the sign is located. A property owner may post a sign in compliance with this subsection indicating that the property is for sale or lease by the owner. Only one sign per road frontage shall be permitted by this subsection.

- 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. The location of banner must comply with permit application at all times. Any person who registers a temporary banner allowed by this subsection shall

pay to the City a non-refundable fee in the amount of fifty dollars (\$50.00).

- 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 fifty dollars (\$50.00). 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 the permitting process and construction. Such temporary construction signs shall be erected for a maximum of six (6) months and shall be no larger than eight feet (8') in height above natural grade by eight feet (8') in width.

- Q. **Temporary Construction – Additional Signs.** Any office or retail business which is permitted a temporary construction announcement sign authorized in subsection P. above, shall be issued a permit for two (2) additional signs which may be used to announce the contractor, subcontractors, architects, engineers, or financial institutions associated with the project. The determination of which entities are permitted to use any such signs authorized by this subsection shall be at the discretion of the owner of the property. Each such sign authorized by this subsection shall be no larger than eight feet (8') in height above natural grade by four (4') in width.

- R. **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 seventy-five and no/100 dollars (\$75.00), 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.

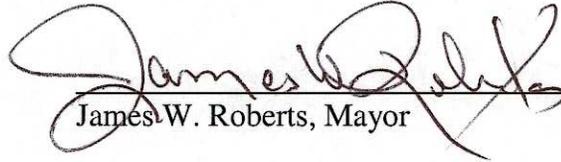
Section 17. **Penalty.** Any person, corporation, or entity who or which intentionally, knowingly, recklessly or with criminal negligence violates any provision of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined in an amount not to exceed \$2,000. Each day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

Section 18. **Repealer.** Ordinance No. 06 -939 originally passed and approved the 19th day of April, 2006 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,

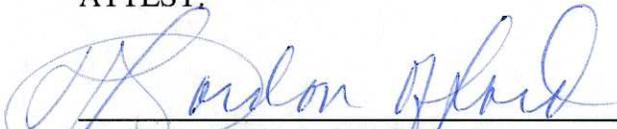
declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, whether there be one or more parts.

PASSED, APPROVED, AND ADOPTED this 19 day of September, 2006.



James W. Roberts, Mayor

ATTEST:



D. Gordon Offord, City Secretary

Bill Archer	<u>YES</u>
Dennis Clack	<u>YES</u>
J.B. Collins, Jr.	<u>YES</u>
Laverne Patterson	<u>YES</u>
Carl Utley	<u>YES</u>

Sign Permit Pricing

Banner Registration	for issuing registration	\$35.00
	Banner fee	\$50.00

Banner fee for Non Profits is refundable (2) Checks

Signs

Sign Permit Application		\$75.00
Sign Permit	Temporary	\$105.00
	Permanent	\$135.00
Inspections	Each	\$50.00

ORDINANCE NO. 06-940

AN ORDINANCE OF THE CITY OF FULSHEAR, TEXAS AMENDING ORDINANCE NO. 06-937 PASSED, APPROVED, AND ADOPTED ON THE 15TH DAY OF FEBRUARY AND ORDINANCE NO. 06-938 PASSED, APPROVED, AND ADOPTED ON THE 15TH DAY OF MARCH PROVIDING FOR THE HOLDING OF A GENERAL ELECTION ON MAY 13, 2006, FOR THE PURPOSE OF ELECTING A MAYOR AND THREE (3) ALDERMEN, DELETING SECTION 3 OF ORDINANCE 06-937 AND SUBSTITUTING THEREFOR A NEW SECTION 3 THEREOF TO PROVIDE FOR THE POLLING PLACE; DELETING SECTION 5 OF ORDINANCE 06-937 IN ITS ENTIRETY AND SUBSTITUTING THEREFOR A NEW SECTION 5 TO PROVIDE FOR USE OF ESTATE VOTING MACHINES; DELETING ALL OF SECTION 1 OF ORDINANCE 06-938 AND SUBSTITUTING A NEW SECTION 1 THEREOF TO PROVIDE FOR APPOINTMENT OF A NEW EARLY VOTING CLERK, THE POLLING PLACE FOR EARLY VOTING, THE TIME FOR EARLY VOTING, AND THE DATES FOR EARLY VOTING; AUTHORIZING THE MAYOR AND THE CITY SECRETARY TO EXECUTE AND ATTEST, RESPECTIVELY, TO THE CONTRACT BETWEEN THE CITY AND FORT BEND COUNTY FOR THE CONDUCTION OF A JOINT ELECTION AND RATIFYING ANY ACTIONS TAKEN IN THIS REGARD; AND REPEALING THOSE PORTIONS OF ORDINANCE 06-937 AND 06-938 IN CONFLICT HERewith.

* * * * *

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

Section 1. Section 3 of Ordinance 06-937, passed, approved, and adopted on February 15, 2006, is hereby amended by deleting all of Section 3 and substituting therefore a new Section 3 to read as follows:

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

Huggins Elementary School

1 Huggins Drive

Fulshear, Texas 77441

ELECTION OFFICERS

as appointed by the County Commissioners of
Fort Bend County, Texas

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 2. Section 5 of Ordinance 06-937, passed, approved, and adopted on February 15, 2006, is hereby amended by deleting all of Section 5 in its entirety and substituting therefore a new Section 5 to read as follows:

Section 5. Early voting and voting on Election Day shall be performed on the eSlate polling place voting system and the Ballot non digital ballot imaging system from Hart InterCivic, Inc., 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 3. Section 1 of Ordinance 06-938, passed, approved, and adopted on March 15, 2006, is hereby amended by deleting all of Section 1 and substituting therefore a new Section 1 to read as follows:

Section 4. Mr. Steve Rabon, Fort Bend County Election Administrator, 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.

Fulshear Precinct 3 Office Building

8100 FM 359

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 eight o'clock (8:00) 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 twelfth (12th) day and continuing through the fourth (4th) day preceding the date of said election. In addition to the foregoing hours, early voting will be open at the location herein designated from 7:00 a.m. until 7:00 p.m. on Saturday, May 6, 2006, Monday, May 8, 2006 and Tuesday, May 9, 2006, and from 12:00 p.m. to 5:00 p.m. on Sunday, May 7, 2006. 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

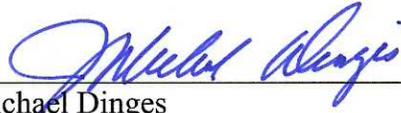
they permit anyone to vote by personal appearance at any time when such office is not open to the public. The above-described place for early voting is also the clerk's mailing address to which ballot applications and ballots voted by mail may be sent. The early voting clerk, in accordance with the provisions 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 4. City Council hereby authorizes and ratifies all actions taken by the City Secretary, Kathryn Mayfield, and the Mayor, J. Michael Dinges, related to the occurrence of this election, including but not limited to the execution of the contract with Fort Bend County, Texas for the conduct of a joint election between the City of Fulshear and Fort Bend County, Texas.

Section 5. Said election shall be held in accordance with the TEXAS ELECTION CODE and the Federal Voting Rights Act of 1965, as amended.

Section 6. Those portions of Ordinance No. 06-937, passed, approved, and adopted on February 15, 2006, and those portions of Ordinance No. 06-938, passed, approved, and adopted on March 15, 2006, in conflict or inconsistent herewith are hereby repealed. No other provision of the Ordinance No. 06-937 or 06-938 is changed or affected in any way by the adoption of this Ordinance.

PASSED, APPROVED, AND ADOPTED the 19th day of April, 2006.



J. Michael Dinges
Mayor

ATTEST:



Kathy Mayfield
City Secretary

SMART	AYE
COLLINS	AYE
ARCHER	AYE
BEMENT	AYE
WATTS	AYE

ORDINANCE NO. 06-941

AN ORDINANCE OF THE CITY OF FULSHEAR, TEXAS, DEFINING CERTAIN TERMS; MAKING IT UNLAWFUL FOR CERTAIN SEXUAL OFFENDERS TO RESIDE WITHIN 1000 FEET OF PREMISES WHERE CHILDREN GATHER; PROVIDING EXCEPTIONS TO THE ORDINANCE; PROHIBITING PROPERTY OWNERS FROM RENTING REAL PROPERTY TO CERTAIN SEXUAL OFFENDERS; PROVIDING PENALTIES FOR VIOLATIONS OF THE ORDINANCE; REPEALING ORDINANCES OR PART OF ORDINANCES IN CONFLICT THEREWITH; PROVIDING A SEVERABILITY CLAUSE; AND FINDING FACT.

* * * * *

WHEREAS, the Mayor and City Council of the City of Fulshear, Texas (the "City"), are deeply concerned about the numerous and recent occurrences in our state and elsewhere, whereby convicted sex offenders who have been released from custody repeat the unlawful acts for which they had been originally convicted; and

WHEREAS, the Mayor and City Council of the City, find from the evidence the recidivism rate for released sex offenders is alarmingly high, especially for those who commit their crimes on children; and

WHEREAS, the City is becoming an increasingly attractive place for younger families with small children; and

WHEREAS, the Mayor and City Council of the City desire to establish a policy which provides maximum protection of the lives and persons of the City; and

WHEREAS, Article 42.12(13B) of the Texas Code of Criminal Procedure, provides a 1000 foot safety zone for children, as a condition of probation for those convicted of certain sexual offenses; and

WHEREAS, the laws of the State of Texas, including those found in Chapter 51 of the Texas Local Government Code provide the City authority to adopt ordinances for the good

government, peace order and welfare of the City;

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

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

Section 2. Findings and Intent. That repeat sexual offenders, sexual offenders that use physical violence and sexual offenders who prey on children are sexual predators who present an extreme threat to the public safety. Sexual offenders are extremely likely to use physical violence and to repeat their offenses and most sexual offenders commit many offences, have many more victims than are ever reported, and are prosecuted for only a fraction of their crimes.

This makes the cost of sexual offender victimization to society at large, while incalculable, clearly exorbitant.

It is the intent of this ordinance to serve the city's compelling interest to promote, protect and improve the health, safety and welfare of the citizens of the City by creating areas around locations where children regularly congregate in concentrated numbers wherein certain sexual offenders and sexual predators are prohibited from establishing temporary or permanent residences.

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

Permanent residence shall mean a place where the person abides, lodges or resides for 14 or more consecutive days.

Temporary residence means a place where the person abides, lodges or resides for a period of 14 or more days in the aggregate during any calendar year and which is not the person's

permanent address, or a place where the person routinely abides, resides or lodges for a period of 4 or more consecutive or nonconsecutive days in any month and which is not the person's permanent residence.

Section 4. Sexual Offenders Residence Prohibition; Penalties; Exceptions. It is unlawful for any person who has been convicted of a violation of Article 4125 Penal Code, Article 43.26 Penal Code, Article 21.08 Penal Code, Article 21.11 Penal Code, Article 22.011 Penal Codes, Article 22.021 Penal Code and Article 25.02 Penal Code, regardless of whether the adjudication was deferred, in which the victim of the offence was less than sixteen (16) years of age, to establish a permanent residence or temporary residence within 1000 feet of any premises where children commonly gather, including but not limited to, a school, day care facility, playground, public or private youth center, public swimming pool, or video arcade facility, as those terms are defined in Article 481.134 of the Health and Safety Code of the State of Texas.

- (a) For the purpose of determining the minimum distance separation, the requirement shall be measured by following a straight line from the outer property line of the permanent or temporary residence to the nearest property line of the premises where children commonly gather, as described herein.
- (b) Exceptions. A person residing within 1000 feet of those places where children commonly gather, as specified herein does not commit a violation of this ordinance if any of the following apply:
 - (1) The person established the permanent or temporary residence and has complied with all the sex offender registration laws of the State of Texas, prior to the date of the adoption of this ordinance.
 - (2) The person was a minor when he/she committed the offense and was not convicted as an adult.
 - (3) The person is a minor.
 - (4) The premises where children commonly gather, as specified herein, within 1000 feet of the person's permanent or temporary residence was opened after the person established the permanent or temporary residence and complied with all sex offender registration laws of the State of Texas.

Section 5. Property Owners Prohibited from Renting Real Property to Sexual

Offenders; Penalties.

It is unlawful to let or rent any place, structure or part thereof, manufactured home, trailer, or other conveyance, with the knowledge that it will be used as a permanent residence or temporary residence by any person prohibited from establishing such permanent residence or temporary residence pursuant to the terms of this ordinance, if such place, structure or part thereof, manufactured home, trailer, or other conveyance, is located within 1000 feet of any premises where children commonly gather, including but not limited to, a school, day care facility, playground, public or private youth center, public swimming pool, or video arcade facility, as those terms are defined in Article 481.134 of the Health and Safety Code of the State of Texas.

Section 6. Any person who shall intentionally, knowingly, recklessly, or with criminal negligence violate any provision of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined in an amount not to exceed \$2,000.00. Each day of violation shall constitute a separate offense.

Section 7. All ordinances or parts or ordinances inconsistent or in conflict herewith are, to the extent of such inconsistency or conflict, hereby repealed.

Section 8. 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 the 19th day of April, 2006.



J. Michael Dinges
Mayor

ATTEST:



Kathy Mayfield
City Secretary

Smart	AYE
Archer	AYE
Watts	AYE
Collins	AYE
Bement	AYE

ORDINANCE . 06-942

AN ORDINANCE CANVASSING THE RETURNS AND DECLARING THE RESULTS OF THE GENERAL ELECTION HELD ON MAY 13, 2006, FOR THE PURPOSE OF ELECTING ONE (1) MAYOR AND THREE (3) ALDERMEN TO THE CITY COUNCIL OF THE CITY OF FULSHEAR.

* * * * *

WHEREAS, a general election was held in the City of Fulshear, Texas, on May 13, 2006, 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 315 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 13, 2006, reflects that the following named persons received the number of votes set opposite their name:

<u>Candidate Name</u>	<u>Votes</u>
JAMES W. ROBERTS	192
J. MICHAEL DINGES	120
DENNIS CLACK	162
CARL G. UTLEY	133

W. OWEN BEMENT	117
JOHN SMART	125
LAVERNE PATTERSON	173
COLICE WATTS	122

Section 3. In accordance with the official canvass of the returns of the general election held on May 13, 2006, the following persons are duly elected:

JAMES W. ROBERTS	- MAYOR
DENNIS CLACK	- ALDERMAN
CARL G. UTLEY	- ALDERMAN
LAVERNE PATTERSON	- ALDERMAN

PASSED, APPROVED AND ADOPTED this 24th day of May, 2006.

J. Michael Dinges
Mayor

ATTEST:

Kathy Mayfield
City Secretary

ORDINANCE NO. 06-942a

AN ORDINANCE APPOINTING VARIOUS CITY OFFICERS.

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

I.

The following persons, recommended by the Mayor, are hereby appointed to fill the jobs of department heads as set out in Fulshear City Ordinances and various positions created and authorized by the City Council:

City Attorney	David Frishman
Municipal Court Judge	J.W. Roberts, Acting
Municipal Court Clerk	D. Gordon Offord, Acting
City Secretary	D. Gordon Offord, Acting
Assistant City Secretary	None
City Treasurer	D. Gordon Offord, Acting
Tax Assessor-Collector	D. Gordon Offord, Acting

II.

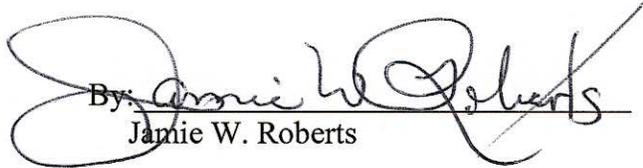
The term of these appointments shall be as specified under the Ordinances of the City of Fulshear, Laws of the State of Texas, and the Texas Constitution, Article 16, Section 30.

III.

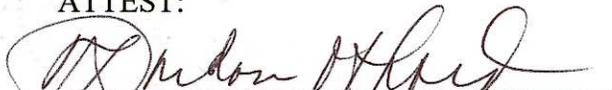
The appointments made under this Ordinance shall become effective upon the adoption hereof and at such time as the appointees have taken their oath of office.

PASSED AND APPROVED this 30th day of May, 2006.

CITY OF FULSHEAR, TEXAS

By: 
Jamie W. Roberts

ATTEST:


D. Gordon Offord, Acting City Secretary

APPROVED:


David Frishman, City Attorney

ORDINANCE NO. 06-943

AN ORDINANCE DESIGNATING CERTAIN INTERSECTIONS AS STOP INTERSECTIONS: PROVIDING FOR THE ERECTION OF STOP SIGNS AT ONE OR MORE ENTRANCES TO DESIGNATED INTERSECTIONS; PROVIDING FOR A PENALTY AND FINE OF NOT MORE THAN \$1,000.00 UPON CONVICTION OF A VIOLATION UNDER THIS ORDINANCE; DECLARING AN EMERGENCY; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City wishes to protect and preserve the health and safety of its citizens.

WHEREAS, certain roads, streets, and highways within the City of Fulshear carry more than other highways, and,

WHEREAS, certain intersections within the City require traffic control devices by the erection of stop signs at points entering into said intersections, because of the traffic hazard at said intersections.

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

Section I.

The intersections hereinafter named are hereby expressly designated as stop intersections. A stop sign or stop signs shall be erected and maintained on the streets hereinafter named at their intersection with the streets also named, and every vehicle shall stop at such sign or at a clearly marked stop line before entering the hereinafter designated intersection on the streets hereinafter named, except when directed to proceed by a police officer:

On First Street at Syms Street (1)

On Third Street at Syms Street (1)

On Fourth Street at Syms Street (1)

Section II.

The Mayor is authorized to post and maintain stop signs along highways within the City of Fulshear, displaying the stops provided by this Ordinance to vehicular traffic traveling along such

streets, roads, and highways.

Section III. Penalty for Violation of Article

Any person found to be in violation of this Ordinance shall be fined as provided for in the general penalty provision found in this Ordinance unless it be shown that such person has been found guilty before of violation of this same Ordinance, in which case the fine shall be as provided for in the general penalty provision found in this Ordinance. Each day a violation exists shall be a separate offense.

Section IV.

This Ordinance shall take effect from and after the date of its passage, and all Ordinances or portion of Ordinances heretofore passed in conflict with the terms hereof are specifically repealed.

Section V.

If any provision, section, subsection, sentence, clause, phrase of this Ordinance, or the application of same to any person or set of circumstances is for any reason held to be unconstitutional, void or invalid, the validity of the remaining portions of this Ordinance or their application to other persons or sets of circumstance 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.

Section VI.

Any person violating any of the provisions of this Ordinance shall be guilty of a misdemeanor and shall be fined not more than \$1,000.00 upon conviction of such violation; provided however if such person convicted of an offense under this Ordinance which offense is also a violation of the penal laws of the State of Texas, such person shall be subject to the penalties set out in the penal laws of the State of Texas for the offense.

Section VII.

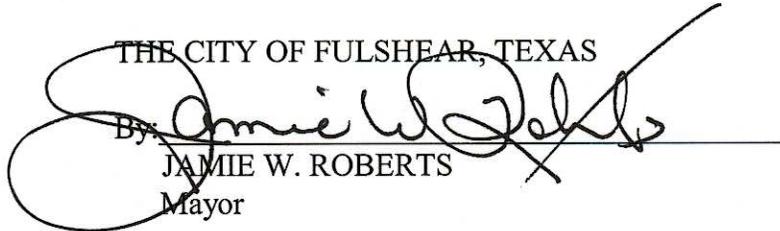
The City Secretary is instructed to post and publish notice of this Ordinance as required by law, by publishing only the descriptive caption.

Section VIII.

The fact that certain of the intersections herein named are presently without any traffic control represents a danger to citizens of the City and a hazard to the operation of vehicles within the City causes an emergency, requiring the reading of an ordinance at more than one meeting to be dispensed with, therefore this ordinance shall be passed and approved on the date of its introduction and shall be enforceable from the date of its publication and posting at City Hall.

PASSED AND APPROVED this 20th day of June, 2006.

THE CITY OF FULSHEAR, TEXAS

By: 
JAMIE W. ROBERTS
Mayor

ATTEST:

By: 
D. GORDON OFFORD
Acting City Secretary

ALDERMEN VOTING:

- BILL ARCHER YES
- J.B. COLLINS YES
- LAVERNE PATTERSON YES
- DENNIS CLACK YES
- CARL G. UTLEY YES

CITY OF FULSHEAR, TEXAS, ORDINANCE NO. 06-944

AN ORDINANCE GRANTING TO CENTERPOINT ENERGY HOUSTON ELECTRIC, LLC THE RIGHT, PRIVILEGE AND FRANCHISE TO USE THE PUBLIC RIGHTS-OF-WAY AND TO USE, LICENSE, OR EXPLOIT THE COMPANY'S FACILITIES WITHIN THE PUBLIC RIGHTS-OF-WAY TO CONDUCT AN ELECTRIC DELIVERY BUSINESS IN THE CITY AND FOR SUCH OTHER BUSINESS PURPOSES AS THE COMPANY MAY DESIRE FROM TIME TO TIME, SPECIFICALLY INCLUDING, BUT NOT LIMITED TO, THE GRANTING OF ACCESS TO THOSE FACILITIES FOR THE DELIVERY OF BROADBAND OVER POWER LINES OR SIMILAR SERVICE WITHIN THE CITY OF FULSHEAR, TEXAS.

* * * * *

WHEREAS, City of Fulshear, Texas Ordinance No. 499 (the "Prior Franchise") granted an electrical lighting and power franchise to Houston Lighting & Power Company, for a term expiring August 29, 2027; and

WHEREAS, Company is the successor to Reliant Energy, Incorporated ("REI"), which was the successor to Houston Lighting & Power Company, by virtue of a corporate restructuring of REI that occurred in August 2002, in which REI was merged with and into an indirect wholly owned subsidiary of CenterPoint Energy, Inc., which was converted into a limited liability company and was renamed CenterPoint Energy Houston Electric, LLC; and

WHEREAS, Company owns and operates an electric delivery business within the corporate limits of the City and Company is willing to continue to provide electric delivery services within the corporate limits of the City; and

WHEREAS, pursuant to that certain letter agreement dated July 18, 2006, between Company and City, Company and the City have reached agreement on the terms and conditions by which they will amend the Prior Franchise and extend the term of the Prior Franchise to December 31, 2046; and

WHEREAS, it is hereby found and determined by the **Mayor and City Council** of the City of Fulshear that it is in the best interests of the City that the Prior Franchise granting to the Company the right to use the public rights-of-way to conduct an electric delivery business in the city and for such other business purposes as the company may desire from time to time be amended and extended to the earlier of (a) an additional thirty (30) year term or (b) December 31, 2046, subject to the terms and conditions described in this ordinance; **NOW, THEREFORE,**

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

Section 1. That the facts contained in the preamble to the Ordinance are determined to be true and correct and are hereby adopted.

Section 2. Definitions.

Annual Adjustment Factor has the meaning set forth in Section 11 below.

Annual Franchise Fee has the meaning set forth in Section 11 below.

Broadband over Power Lines (BPL) or "Access BPL" has the same meaning as that used by the Federal Communications Commission in Section 15.3 of its Rules as reprinted below:

Access Broadband over Power Line (Access BPL). A carrier current system installed and operated on an electric utility service as an unintentional radiator that sends radio frequency energy on frequencies between 1.705 MHz and 80 MHz over medium voltage lines or over low voltage lines to provide broadband communications and is located on the supply side of the utility service's points of interconnection with customer premises. Access BPL does not include power line carrier systems as defined in Section 15.3(t) of this part or In-House BPL as defined in Section 15.3(gg) of this part.

City means the City of Fulshear, Texas, a municipal corporation of the State of Texas.

City Council means the governing body of the City, or its designee.

Company means CenterPoint Energy Houston Electric, LLC, a Texas limited liability company.

Effective Date means July 1, 2006.

First Rate Case has the meaning set forth in Section 14 below.

Force Majeure means forces or conditions not reasonably within the control of a party, including a strike; war or act of war (whether an actual declaration of war is made or not); insurrection; riot; act of public enemy; accident; fire; flood or other act of God; sabotage; shortages in materials, supplies and equipment; governmental regulations, limitations and restrictions as to the use and availability of materials, supplies and equipment and as to the use of services; unforeseen and unusual demands for service; or other events, where the affected party has exercised all due care in the prevention thereof and such causes or other events are without the fault or negligence of the affected party.

Franchise means this Ordinance and the rights and privileges granted by this Ordinance.

Franchise Year has the meaning set forth in Section 11, below.

Franchise Area means the area within the boundaries of the City as of the Effective Date and as same may change from time to time during the term of the Franchise.

Initial Franchise Year shall have the meaning set forth in Section 11, below.

Other Services means any service, exclusive of the transmission and distribution of electricity, provided or allowed to be provided through the use or license of the System for a fee, including but not limited to BPL.

Person means any individual, firm, partnership, association, corporation, company or organization of any kind.

Prior Franchise has the meaning set forth in the first Whereas clause, above.

Public Rights-of-Way means the areas in, under, upon, over, across, and along any and all of the present and future Streets or streams now or hereafter owned or controlled by City.

Public Works Improvement Projects has the meaning set forth in Section 5, below.

PUC means the Public Utility Commission of Texas or its successor agency with equivalent jurisdiction.

Retail Customer means any Person taking delivery of electricity from Company, at a point of delivery within the Franchise Area.

Street means the surface and the space above and below any public street, road, highway, alley, bridge, sidewalk, or other public place or way.

System means the Company's facilities erected, constructed, maintained, operated, used, extended, removed, replaced, and repaired, as necessary, by Company pursuant to this Franchise, including without limitation, all poles, pole lines, towers, transmission lines, wires, guys, conduits, cables, and other desirable instrumentalities and appurtenances (including telegraph and telephone poles and wires for use of Company), necessary and proper for the purpose of transmitting and distributing electricity to the City and the inhabitants of said City or other Persons, for any purpose for which electricity may be used.

Section 3. Subject to the terms, conditions and provisions of this Franchise, City hereby grants to Company the right, privilege and franchise to use City's Public Rights-of-Way to construct, maintain, operate and use Company's System to conduct within the City an electric delivery business and the right to use, license, or exploit the System within the Public Rights-of-Way for Other Services. This Franchise does not restrict City's right to impose reasonable fees upon third parties for the use of the Public Rights-of-Way to provide Other Services, so long as such fees are assessed on a non-discriminatory basis with those charged to other companies providing services competitive with the Other Services.

Section 4. Upon the filing with City by Company of the acceptance required hereunder, the Prior Franchise shall be amended by replacing the language thereof, in its entirety, with the language of this Franchise; and the term thereof shall be extended, and it shall remain in full force and effect for an additional term and period beginning on August 29, 2027 and continuing until and through December 31, 2046.

Section 5. All poles erected by Company pursuant to the authority herein granted shall be of sound material and reasonably straight, and shall be so set that they shall not interfere with the flow of water in any gutter or drain, and so that the same shall interfere as little as practicable with the ordinary travel, on the Streets or other Public Rights-of-Way. Within the Streets or other Public Rights-of-Way of City, the location and route of all poles, stubs, guys, anchors, lines, conduits and cables placed and constructed and to be placed and constructed by Company in the construction and maintenance of Company's System in the City, shall be subject to the reasonable and proper regulation, control and direction of City, or of any City official to whom such duties have or may be duly delegated, which regulation and control shall include, but not by way of limitation, the right to require in writing, to the extent provided in Section 10, the relocation of Company's System at Company's cost within the Streets or other Public Rights-of-Way whenever such shall be reasonably necessary to accommodate improvement projects within such Streets or Public Rights-of-Way by the city department with primary responsibility for public works projects ("Public Works Improvement Projects").

Section 6. In consideration for the compensation set forth in Sections 11 and 15, City agrees that if City sells, conveys, or surrenders possession of any portion of the Public Right-of-Way that is being used by Company pursuant to this Franchise, City, to the maximum extent of its right to do so, shall first grant Company an easement for such use; and the sale, conveyance, or surrender of possession of the Public Right-of-Way shall be subject to the right and continued use of Company.

Section 7. Following completion of work in Public Rights-of-Way, Company shall repair the affected Public Rights-of-Way as soon as possible, but in all cases shall comply with all valid City ordinances governing time periods and standards relating to excavating in the Public Rights-of-Way. No Street or other Public Right-of-Way shall be encumbered by construction, maintenance or removal work by Company for a longer period than shall be necessary to execute such work.

Section 8. The service furnished hereunder to City and its inhabitants shall be first-class in all respects, considering all circumstances, and Company shall furnish the grade of service to Retail Customers as provided by its rate schedules and shall maintain its System in reasonable operating condition during the continuance of this Franchise. Company's tariffs shall govern the rates, access to service, terms and quality of electric delivery services provided by Company. An exception to this requirement is automatically in effect when due to Force Majeure. In any Force Majeure event, Company shall do all things reasonably within its power to restore normal service.

Section 9. Company, on the written request of any person, shall remove or raise or lower its wires temporarily to permit construction work in the vicinity thereof or to permit the moving of vessels, houses or other bulky structures. The expense of such temporary removal, raising or lowering of wires shall be paid by the benefited party or parties, and Company may require such payment in advance, being without obligation to remove, raise, or lower its wires until such payment has been made. Company shall be given adequate, and in no event less than forty-eight (48) hours, advance notice to arrange for such temporary wire changes.

Section 10. Company shall construct, operate, and maintain its transmission and distribution facilities in substantial accordance with Company's own Service Standards and the National Electrical Safety Code ("NESC"). Company shall determine the specific location and the method of construction and types of materials used in building, maintaining, and operating Company's transmission and distribution facilities. City shall require its employees and contractors performing work for the benefit of City to comply with all applicable laws, statutes, codes and standards (including, without limitation, Section 752 of the Texas Health and Safety Code, as the same may be amended or replaced, and the NESC) when working near Company's System and to report as soon as practicable any damage done to Company's System. Company also agrees to require its employees and contractors performing work for the benefit of City to comply with all applicable laws, statutes, codes and standards (including, without limitation, Section 752 of the Texas Health and Safety Code, as the same may be amended or replaced, and the NESC) when working near City's facilities and to report as soon as practicable any damage done to City's facilities. Company shall relocate facilities within Public Rights-of-Way at Company's own expense, exclusive of street lighting and facilities installed for service directly to City, to accommodate Public Works Improvement Projects, including, but not limited to street widening, change of grade, water, sewer, or drainage upgrades, construction or reconstruction projects and minor relocation of traffic lanes. City shall bear the costs of all relocations of street lighting and facilities installed for service directly to City and of any relocation of other facilities requested by City for reasons other than Public Works Improvement Projects. Except in the event of an emergency, City shall give Company at least seventy-two (72) hours notice when City or City's contractor is requesting the bracing of Company's poles. Company shall pay for the bracing to accommodate Public Works Improvement Projects, including but not limited to street widening, change of grade, water, sewer, or drainage upgrades, construction or reconstruction projects and minor relocation of traffic lanes.

Section 11. In consideration for the rights and privileges herein granted, Company agrees to pay to City, beginning on the Effective Date and continuing throughout the remaining term of the Prior Franchise and the additional thirty (30) year term of this Franchise provided for in Section 4, above, an annual franchise fee (referred to herein as "Annual Franchise Fee"), subject to an Annual Adjustment Factor as set forth below. Except as set forth in Section 15, payment of the Annual Franchise Fee shall be the total compensation payable to City in consideration for the right, privilege and franchise herein conferred for Company's use of the Public Rights-of-Way to construct, operate, use and maintain its System for the provision of electric transmission and distribution service and its right to use, license, or exploit its System for Other Services.

The Annual Franchise Fee shall be calculated as follows:

1. The "Annual Franchise Fee," for the twelve-month period beginning on the Effective Date (the "Initial Franchise Year"), shall be \$40,094.86.
2. The Annual Franchise Fee for each succeeding twelve-month period (each a "Franchise Year"), including the Franchise Year beginning July 1, 2007, shall be adjusted by multiplying \$40,094.86 by the Annual Adjustment Factor. The "Annual Adjustment Factor" for any given year shall be a fraction, the numerator of which shall be the kWh delivered by Company within the Franchise Area (inclusive of street lighting) in the previous calendar year and the denominator of which shall be the kWh delivered by Company within the Franchise Area (inclusive of street lighting) in 2005, said amount being 11,950,697 kWh. (Example: The Annual Franchise Fee for the Franchise Year beginning July 1, 2010 = \$40,094.86 x 2009 kWh/11,950,697 kWh).

In no case, however, shall the Annual Franchise Fee be less than the Annual Franchise Fee established in (1), above, for the Initial Franchise Year.

In calculating the amount to be paid each year, Company shall offset its Annual Franchise Fee payments with the amount of the Municipal Account Franchise Credits and Municipal Franchise Fee Credits provided in Company's tariffs and applicable to City in the prior calendar year. The Annual Franchise Fee shall be payable in equal monthly installments due the first day of each calendar month. Company shall calculate the new franchise fee to be payable for each Franchise Year beginning July 1st and shall provide the same along with the basis for such calculation to City for its review no later than April 1st of each year. If Company does not receive an objection from City by May 31st, Company shall implement the adjusted Annual Franchise Fee payment on July 1st. If the additional thirty (30) year term of this Franchise provided for in Section 4, above, ends on any day other than the last day of the last Franchise Year, then the Annual Franchise Fee for the final Franchise Year shall first be calculated pursuant to this Section 11 and then pro rated accordingly.

Section 12. The parties agree that the franchise payments due under this Franchise are reasonable and necessary and that the parties shall use their best efforts to enable Company to recover these payments through its electric rates.

Section 13. Except as provided in Section 15, the Annual Franchise Fee payable hereunder shall be the total compensation payable by Company to City for Company's use of the Public Rights-of-Way for the conduct of its business under the Franchise. City shall not charge any additional license, charge, fee, street or alley rental, or other character of charge or levy for the use or occupancy of the Public Rights-of-Way in City, or any pole tax or inspection fee tax. If City does charge Company any additional license, charge, fee, street or alley rental, or other character of charge or levy, then Company may deduct the amount charged from the next succeeding franchise payment or payments until fully reimbursed. The Franchise shall constitute a permit to perform all work on Company's System within the Public Rights-of-Way and to park vehicles in the Streets and other Public Rights-of-Way when necessary for the installation, removal, operation or maintenance of Company's System. Company and contractors performing work for Company shall not be required to obtain any permits in addition to the Franchise or to pay any fee in addition to the Annual Franchise Fee in order to perform work on Company's System or to park within the Streets and other Public Rights-of-Way. Company shall cooperate with City to avoid unnecessary disruption, and Company shall comply with all valid City ordinances governing time periods and standards relating to excavating in the Public Rights-of-Way.

Section 14. In the first rate case to review Company's base rates following the Effective Date (the "First Rate Case"), City shall support Company's request to include in Company's base rates the entire then-effective Annual Franchise Fee. If, as a result of the First Rate Case, or any subsequent rate case, Company's entire then-effective Annual Franchise Fee is not included in Company's base rates, then Company shall be required to pay only so much in franchise fees as the amount of franchise fees used by the PUC to calculate Company's then-effective rates.

Section 15. In addition to the considerations set forth in Section 11, Company shall furnish, free of charge, subject to the use of City, such pole and/or duct space as may be required from time to time for the installation of City-owned traffic, police and fire alarm system conductors; provided such conductor space does not exceed the available capacity on any one existing pole or in one existing interior duct. Company shall allow for the expanded use of existing energized conductors by City for the purposes of providing traffic signal communication interconnectivity with prior written approval from Company. The specific location for these traffic, police and fire alarm conductors on Company poles or ducts shall be determined by Company and shall be allotted at the time specific applications for space are received from City. All City traffic, police and fire alarm circuits on Company poles and ducts shall be designed and installed, operated and maintained in compliance with the applicable provisions of the NESC and other laws, statutes, codes and ordinances applicable to private parties and so as to create no interference, corrosion, harm, damage or hazard with, to or from Company's System or Company's business. All plans for such city traffic, police and

fire alarm circuits must be submitted for Company's written approval prior to installation. Any modifications to Company's System necessary to accommodate such installation shall be paid by City. If, after installation, City's equipment is found to interfere with Company's System or business, Company and City shall work together to address the problem and, if deemed practical by Company, preserve City's access. Where main underground duct lines are located between manholes, Company shall permit free of charge the installation in one interior duct by City of its traffic, police or fire alarm signal cables; provided space is available in an interior duct not suitable for power circuits without interference with Company's system neutral conductors. All cables installed by City in Company ducts shall be of the non-metallic sheath type to prevent corrosive or electrolytic action between City and Company owned cables. A request for duct assignment shall in each instance be submitted to Company and a sketch showing duct allocation shall be received from Company prior to the installation of City cables in Company-owned duct lines. All City-owned conductors and cables, whether on poles or in duct lines, shall be constructed, maintained and operated in such manner as to not interfere with or create a hazard in the operation of Company's System or Company's business. If after installation, City's equipment is found to interfere with Company's System or business, Company and City shall work together to address the problem and, if deemed practical by Company, preserve City's access.

In addition to the consideration set forth in Section 11, Company shall permit City to use, free of charge, extra space on its street light poles to install City-owned traffic control signs and decorative banners, with prior written approval from Company and provided that such use is consistent with the NESC and other applicable engineering and operational codes and standards.

Notwithstanding any other provision in this Franchise,, it is further agreed that Company shall not be responsible to any party or parties whatsoever for any claims, demands, losses, suits, judgments for damages or injuries to Persons or property by reason of the construction, maintenance, inspection or use of the traffic signal light systems, police and fire alarm systems, traffic control signs, or decorative banners belonging to City and constructed upon Company's poles or street light poles or in its ducts, and City shall indemnify and hold Company harmless against all such claims, losses, demands, suits and judgments, to the extent permitted by the Texas Tort Claims Act, but City does not, by this agreement, admit primary liability to any third party by reason of City's operation and use of such traffic signal light systems, police and fire alarm systems, traffic control signs, or decorative banners, such being a function of government.

Section 16. City may conduct an audit or other inquiry, or may pursue a cause of action in relation to the payment of the Annual Franchise Fee only if such audit, inquiry, or pursuit of a cause of action concerns a payment made less than two (2) years before commencement of such audit, inquiry, or pursuit of a cause of action. City shall bear the costs of any such audit or inquiry. All books and records related to

Company's operations under this Franchise shall be available to City. Upon receipt of a written request from City, such documents shall be made available for inspection and copying no later than thirty (30) days from the receipt of such request. Amounts due to City for past underpayments or amounts due Company for past overpayments shall include interest calculated using the annual interest rates for overcharges as set by the Texas Public Utility Commission. Said interest shall be payable on such sum from the date the initial payment was due until it is paid.

Section 17. The parties agree to waive any and all claims, asserted or unasserted, arising out of prior franchise agreements including, without limitation, the Prior Franchise, except those claims relating to Company's obligations as determined in an audit underway as of March 1, 2006.

Section 18. Nothing contained in this Franchise shall ever be construed as conferring upon Company any exclusive rights or privileges of any nature whatsoever.

Section 19. It shall be Company's obligation as provided in Section 8 hereof to furnish efficient electrical service to the public at reasonable rates and to maintain its property in good repair and working order except when prevented from so doing by forces and conditions not reasonably within the control of Company. Should Company fail or refuse to maintain its System in good order and furnish efficient service at all times throughout the life of this grant, except only when prevented from so doing by Force Majeure, or should Company fail or refuse to furnish efficient service at reasonable rates, lawfully determined by City, throughout the life of this grant, excepting only during such periods as Company shall in good faith and diligently contest the reasonableness of the rates in question, then it shall forfeit and pay to City the sum of Twenty Five Dollars (\$25) for each day it shall so fail or refuse after reasonable notice thereof and a hearing thereon by City. Any suit to recover such penalty shall be filed within one year from the date the penalty accrues.

Section 20. If any term or other provision of the Franchise is determined by a nonappealable decision by a court, administrative agency, or arbitrator to be invalid, illegal, or incapable of being enforced by any rule of law or public policy, all other conditions and provisions of the Franchise shall nevertheless remain in full force and effect so long as the economic or legal substance is not affected in any manner materially adverse to either party. Upon such determination that any term or other provision is invalid, illegal, or incapable of being enforced, the parties shall negotiate in good faith to modify the Franchise so as to effect the original intent of the parties as closely as possible.

SECTION 21. *Subject to Section 15, Company, its successors and assigns, shall protect and hold City harmless against all claims for damages or demands for damages to any Person or property by reason of the construction and maintenance of its electricity transmission and distribution System, or in any way growing out of the granting of this Franchise, either directly or indirectly, or by reason of any act, negligence, or nonfeasance of the contractors, agents or employees of Company, its*

successors or assigns, and shall refund to City all sums which it may be adjudged to pay on any such claim, or which may arise or grow out of the exercise of the rights and privileges hereby granted, or by the abuse thereof, and Company, its successors and assigns, shall indemnify and hold City harmless from and on account of all damages, costs, expenses, actions, and causes of action, to the extent permitted by the Texas Tort Claims Act, that may accrue to or be brought by any Person, Persons, company or companies at any time hereafter by reason of the exercise of the rights and privileges hereby granted, or of the abuse thereof.

Section 22. In granting this Franchise, it is understood that the lawful power vested by law in City to regulate all public utilities within City, and to regulate the local rates of public utilities within City within the limits of the Constitution and laws, and to require all persons or corporations to discharge the duties and undertakings, for the performance of which this Franchise was made, is reserved; and this grant is made subject to all lawful rights, powers and authorities, either of regulation or otherwise, reserved to City by its Charter or by the general laws of this State.

Section 23. This Franchise amends the Prior Franchise, and extends the term of the Prior Franchise to December 31, 2046 and replaces all other former franchise agreements with Company, or its predecessors, which are hereby repealed.

Section 24. City by the granting of this Franchise does not surrender or to any extent lose, waive, impair or lessen the lawful powers and rights, now or hereafter vested in City under the Constitution and statutes of the State of Texas and under the Charter of City to regulate the rates and services of Company; and Company by its acceptance of this Franchise agrees that all such lawful regulatory powers and rights as the same may be from time to time vested in City shall be in full force and effect and subject to the exercise thereof by City at any time and from time to time.

Section 25. Within 30 days following the final passage and approval of this ordinance, the Company shall file with the City Secretary, accompanied by appropriate authorized corporate resolutions in a form acceptable to the City Attorney, a written statement in the following form signed in its name and behalf:

"To the Honorable Mayor and the City Council of the City of Fulshear, Texas:

For itself, its successors and assigns, Grantee, CENTERPOINT ENERGY HOUSTON ELECTRIC, LLC, hereby accepts the attached ordinance and agrees to be bound by all of its terms, conditions and provisions."

CENTERPOINT ENERGY HOUSTON
ELECTRIC, LLC

By: _____

Name: _____

Title: _____

"Dated this the _____ day of _____, 2006."

Section 26. This Franchise, having been published as required by [RELEVANT PROVISION(S)] of the [CITY CHARTER OR OTHER GOVERNING DOCUMENT] shall take effect and be in force from and after [##] days following its final passage and approval, and receipt by the City of Company's acceptance filed pursuant to Section 25. In compliance with the provisions of [RELEVANT PROVISION(S)], of the [CITY CHARTER OR OTHER GOVERNING DOCUMENT], the Company shall pay the cost of those publications and any costs associated with any elections held regarding this Franchise required by such [CITY CHARTER OR OTHER GOVERNING DOCUMENT] provisions.

Section 27. Every notice, order, petition, document, or other direction or communication to be served upon the City or the Company shall be deemed sufficiently given if sent by registered or certified mail, return receipt requested. Every such communication to the Company shall be sent to:

**Vice President, Regulatory Relations
CenterPoint Energy, Inc.
1111 Louisiana Street
Houston, Texas 77002**

Unless and until changed by written notice given in accordance with this section, every such communication to the City or the City Council shall be sent to the

**City Secretary
City of Fulshear
Fulshear, TX 77441**

and, as applicable, to the

[INSERT APPROPRIATE ADDITIONAL CONTACT INFORMATION]

The mailing of such notice, direction, or order shall be equivalent to direct personal notice and shall be deemed to have been given the earlier of receipt or two business days after it was mailed.

Section 28. The rights and remedies provided herein are cumulative and not exclusive of any remedies provided by law, and nothing contained in this Franchise shall impair any of the rights of the City or the Company under applicable law, subject in each case to the terms and conditions of this Franchise.

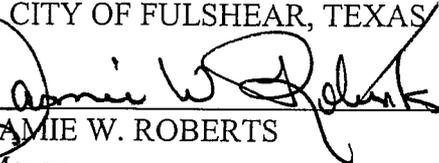
Section 29. This Ordinance shall take effect from and after the date of its passage, and all Ordinances or portion of Ordinances heretofore passed in conflict with the terms hereof are specifically repealed.

Section 30. 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 circumstance 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.

Section 31. The City Secretary is instructed to post and publish notice of this Ordinance as required by law, by publishing only the descriptive caption.

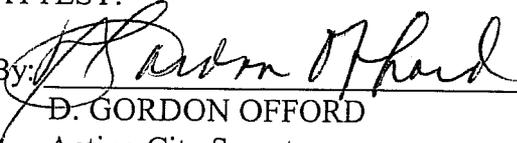
PASSED AND APPROVED this 18th day of July, 2006.

THE CITY OF FULSHEAR, TEXAS

By: 

JAMIE W. ROBERTS
Mayor

ATTEST:

By: 

D. GORDON OFFORD
Acting City Secretary

ALDERMEN VOTING:

BILL ARCHER

Yes

J.B. COLLINS

Yes

LAVERNE PATTERSON

Yes

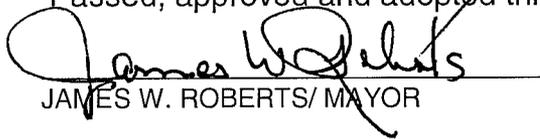
DENNIS CLACK

Yes

CARL G. UTLEY

Yes

Passed, approved and adopted this 18 day of July, 2006.


JAMES W. ROBERTS/MAYOR

ATTEST:


SECRETARY

(SEAL)

THE STATE OF TEXAS

COUNTY OF FORT BEND

I, Diana Gordon Offord, the duly appointed, qualified and acting Secretary of the City of Fulshear, Texas, hereby certify that the above and foregoing ordinance of the City of Fulshear was passed at a regular meeting of the City Council of the City of Fulshear held on the 18th day of July, 2006; that written notice of the date, hour, place and subject of said meeting was posted for at least 72 hours preceding the scheduled time of said meeting on a bulletin board located in a place in the city hall which is convenient and readily accessible to the general public at all times; that the Mayor, James W. Roberts, and Council Members, G. William Archer, LaVerne Patterson, Dennis Clack, Carl Utley, and J.B. Collins, Sr. were present at said meeting and acted as the Council throughout; that said ordinance has been approved by the Mayor and is duly attested by the Secretary; and that the same has been duly engrossed and enrolled in the records of the City of Fulshear, Texas.

18th EXECUTED under my hand and the official seal of the City of Fulshear, Texas, this day of July, 2006.


SECRETARY
OF THE CITY OF FULSHEAR, TEXAS

(SEAL)

ORDINANCE NO. 06-946

**AN ORDINANCE OF THE CITY OF FULSHEAR, TEXAS
AMENDING ORDINANCE NO. 03-894 CHANGING THE
NUMBER OF MEMBERS ON THE PLANNING COMMISSION
AND ESTABLISHING AN ADVISORY MEMBER OF THE
PLANNING COMMISSION; AND PROVIDING FOR
SEVERABILITY.**

* * * * *

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

WHEREAS the City Council desires to change the number of members of the Planning Commission of the City from five (5) to seven (7) members; and

WHEREAS the City Council removes the advisory position on the Planning Commission for the purpose of reporting to the City Council; **NOW THEREFORE,**

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

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

Section 2. Section 4A of Ordinance 03-894 is hereby deleted in its entirety and a new Section 4A shall be inserted in its place which shall read as follows:

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

A. **Membership.** The Planning Commission shall be composed of seven (7) voting members, each of whom shall be, at the time of appointment and at all other times while serving as a member of such commission, resident citizens of and owners of real property within the City of Fulshear, Texas.

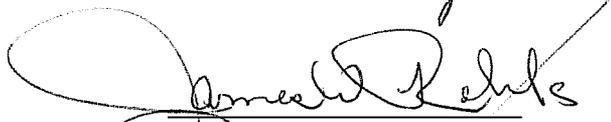
Section 3. Section 5A of Ordinance 03-894 is hereby deleted in its entirety and a new Section 5A shall be inserted in its place which shall read as follows:

Section 5. Procedures.

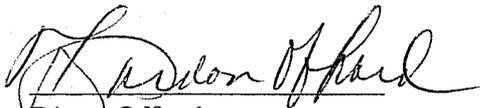
A. Quorum and Vote. Each Planning Commission member in attendance at a duly called and noticed meeting may vote. All matters to be heard by the Planning Commission shall be considered by a minimum of three (3) members, which shall be the quorum necessary for conducting a meeting. The concurring vote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

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

PASSED, APPROVED, AND ADOPTED this the 18th day of July
2006.


James W. Roberts
Mayor

ATTEST:


Diana Offord
City Secretary

ALDERMEN:

Bill Archer-yes
Dennis Clack-yes
J.B. Collins, Jr.-yes
Laverne Patterson-yes
Carl Utley-yes

AN ORDINANCE CONSENTING TO THE ADDITION OF 1.8 ACRES OF LAND TO FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 151 FOR INCLUSION IN ITS DISTRICT.

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

Section I.

That attached to this ordinance and made a part hereof is a petition requesting the consent of the City of Fulshear, Texas, to the annexation of 1.8 acres of land into the FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 151; such petition is hereby granted, subject to the terms and conditions set forth herein.

Section II.

That the City Council further hereby notifies the referenced district, its residents and property owners of the provisions of applicable law allowing the City to annex any portion to the district located within the City's extraterritorial jurisdiction, including without limitation the land authorized to be included in the district hereby. The City requests that the district include a statement in its form required under Section 49.455, Texas Water Code, reflecting the possibility of such annexation by the City.

Section III.

That the City Council officially finds, determines, recites and declares that a sufficient written notice of the date, hour, place and subject of this meeting of the City Council was posted at a place convenient to the public at the City Hall of the City for the time required by law preceding this meeting, as required by the Open Meetings Law, Tex.Gov't Code Ann., ch. 551 (Vernon Supp. 2004); and that this meeting was open to the public as required by law at all times during which this ordinance and the subject matter thereof was discussed, considered and formally acted upon. The City Council further ratifies, approves and confirms such written notice and the contents and posting thereof.

Section IV.

This Ordinance shall take effect from and after the date of its passage, and all Ordinances or portion of Ordinances heretofore passed in conflict with the terms hereof are specifically repealed.

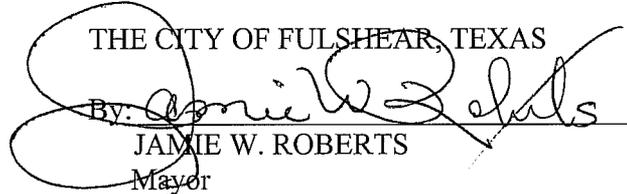
Section V.

If any provision, section, subsection, sentence, clause, phrase of this Ordinance, or the application of same to any person or set of circumstances is for any reason held to be unconstitutional, void or invalid, the validity of the remaining portions of this Ordinance or their application to other persons or sets of circumstance 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.

Section VI.

The City Secretary is instructed to post and publish notice of this Ordinance as required by law, by publishing only the descriptive caption.

PASSED AND APPROVED this 5th day of October, 2006.

THE CITY OF FULSHEAR, TEXAS
By: 
JAMIE W. ROBERTS
Mayor

ATTEST:

By: 
D. GORDON OFFORD
City Secretary

ALDERMEN VOTING:

BILL ARCHER	<u>Yes</u>
J.B. COLLINS	<u>Yes</u>
LAVERNE PATTERSON	<u>Yes</u>
DENNIS CLACK	<u>Yes</u>
CARL G. UTLEY	<u>Yes</u>

ORDINANCE NO. 06-948

AN ORDINANCE PROVIDING FOR THE ASSESSMENT, LEVY, AND COLLECTION OF AD VALOREM TAXES OF THE CITY OF FULSHEAR, TEXAS, FOR THE YEAR 2006 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; PROVIDING FOR SEVERABILITY; 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 2006, and for each year thereafter until otherwise provided, an ad valorem tax at the rate of Twenty-four and 226/1000 Cents (\$.24226) 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

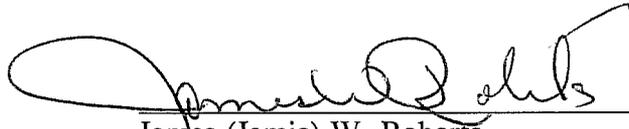
Fulshear, Texas. The proceeds from such tax shall be applied to the payment of the general and current expenses of the government of the City. All such taxes shall be assessed and collected in current money of the United States of America. THIS TAX RATE WILL RAISE MORE TAXES FOR MAINTENANCE AND OPERATIONS THAN LAST YEAR'S TAX RATE. THE TAX RATE WILL RAISE TAXES FOR MAINTENANCE AND OPERATIONS ON A \$100,000 HOME BY APPROXIMATELY \$ 24.22.

Section 4. All ad valorem taxes levied hereby, as reflected by Section 3 hereof, shall be due and payable on or before January 31, 2007. 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.

Section 6. 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 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.

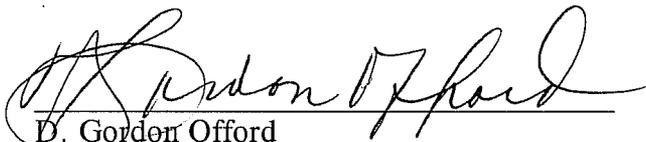
PASSED, APPROVED, AND ADOPTED this 19th day of September 2006.



James (Jamie) W. Roberts
Mayor

- Bill Archer - Yes
- Dennis Clack -Yes
- J.B. Collins, Jr.-Yes
- Laverne Patterson- Yes
- Carl Utley- Yes

ATTEST:



D. Gordon Offord
City Secretary

ORDINANCE NO. 06-949

AN ORDINANCE APPROVING AND ADOPTING THE CITY OF FULSHEAR, TEXAS, GENERAL BUDGET FOR THE FISCAL YEAR 2007; 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 2006-2007 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 16th day Nov. 2006 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:

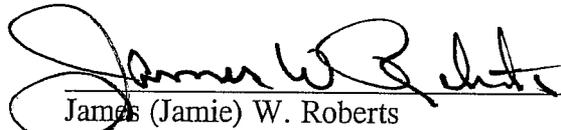
Section 1. The facts and recitations set forth in the preamble of this Ordinance are hereby found to be true and correct.

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:

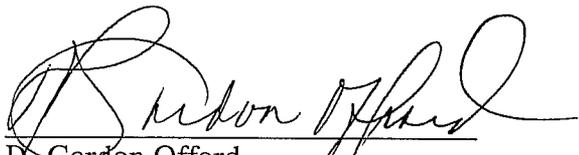
"The Original General Budget of the City of Fulshear, Texas, for the Fiscal Year 2006-2007" such budget, as thus endorsed, shall be kept on file in the office of the City Secretary as a public record.

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 16th day of Nov. 2006.


James (Jamie) W. Roberts
Mayor

ATTEST:


D. Gordon Offord
City Secretary

Bill Archer-yes
Dennis Clack-absent
J.B. Collins, Jr.-yes
Laverne Patterson-yes
Carl Utley- yes