

## CHAPTER 8 - DEFINITIONS

Unless a provision explicitly states otherwise, the following terms and phrases shall have the meanings hereinafter designated. Definitions not expressly prescribed herein are to be determined in accordance with customary usage in municipal planning and engineering practices. The word "shall" is always mandatory, while the word "may" is merely directory. The city council reserves to itself the power, duty and responsibility to interpret, define and/or provide such modification to this chapter or any provision thereof that the city council shall be called upon from time to time to provide. Such interpretation, definition and/or modification as shall be provided by action of the city council shall constitute an amendment to this code.

**A-frame sign** shall mean a sign used to identify a business name, telephone number, hours of operation, and goods or services available on the property where the sign is located. An A-frame sign is made of two (2) pieces of wood, metal or other similar material approved by the building official connected at the top by hinges or similar devices. An A-frame sign is also commonly referred to as a "sandwich board sign," and shall include signs erected on easels or freestanding frames with sign inserts.

**Access easement** shall mean an easement designated on the final plat, whether or not so named, which provides access to platted tracts excepting single-family and duplex residential. The easement shall meet the requirements as set forth in Section 4-61(c), and shall be privately maintained.

**Accessory dwelling unit** shall mean a subordinate structure that is located on the same lot, tract, or parcel of land as the main structure, which is incidental to the use of the main structure.

**Accessory structure** shall mean any structural addition to a mobile home/manufactured house including, without limitation, awnings, cabanas, decks, Florida rooms, porches, ramadas, storage cabinets and similar appurtenant structures. In Chapter 2 - Flood Prevention and Protection, Accessory Structure means a structure that is on the same parcel of property as a principal structure or building and the use of which is incidental to the use of the principal structure or building; an accessory structure specifically excludes structures used for human habitation.

**Active agricultural use** means cultivating the soil, producing crops for harvest, and raising or keeping livestock.

**Administrative officer** shall mean the person who is designated by the city manager to administer this chapter and is responsible for coordinating the review of all plats and construction documents.

**Advance Refunding** means a refunding of Indebtedness by means of redemption and/or payment thereof for which payment of the Refunded Bonds is scheduled to occur more than ninety (90) days after the date of delivery of the Refunding Bonds to the initial purchasers thereof.

**Agricultural storm water runoff** shall mean any storm water runoff from orchards, cultivated crops, pastures, range lands, and other non-point source agricultural activities, but not discharges from concentrated animal feeding operations, as defined in 40 CFR Section 122.23 or discharges from concentrated aquatic animal production facilities as defined in 40 CFR Section 122.24.

**Air gap** means the unobstructed vertical distance through the free atmosphere between the lowest opening from any pipe or faucet supplying water to a tank, plumbing fixture, or other device and the flood level rim of said vessel. Any approved air-gap shall be at least double the diameter of the supply pipe, measured vertically, above the overflow rim of the vessel, and in no case less than one inch. In regards to landscape irrigation systems, air gap shall mean a complete physical separation between the free-flowing discharge end of a potable water supply pipeline and an open or non-pressure receiving vessel.

**Alarm site** shall mean a premises or location served by an alarm system.

**Alarm system** shall mean any device or system that transmits or relays a signal intended to summon emergency services of the city or to warn of the existence of an emergency within the city. For purposes of this Code, an alarm system shall not include an alarm installed on a motor vehicle.

**Alley** shall mean a minor public right-of-way not intended to provide the primary means of access to abutting lots, which is used primarily for vehicular service access to the back or sides of properties otherwise abutting on a street.

**Alluvial fan flooding** means flooding occurring on the surface of an alluvial fan or similar landform which originates at the apex and is characterized by high-velocity flows; active processes of erosion, sediment transport, and deposition; and unpredictable flow paths.

**Alterations** shall mean the replacement, addition, modification, or removal of any equipment or its installation in a new manufactured home after sale by a manufacturer to a retailer but prior to sale and installation by a retailer to a purchaser. It does not include the repair or replacement of a component or appliance requiring "plug-in" to an electrical receptacle, which appliance was not provided with the mobile/manufactured home by the manufacturer.

**Amending plat** shall mean a plat which is controlling over the preceding plat without vacation of that plat, which is submitted for approval of certain dimensional and notational corrections and lot line adjustments under the provisions of the Texas Local Government Code. An amending plat is a final plat.

**Annual Payment Period** means any complete, annual period during the scheduled term of the Refunding Bonds which begins on the month and day on which the Refunding Bonds are initially dated.

**Apex** means a point on an alluvial fan or similar landform below which the flow path of the major stream that formed the fan becomes unpredictable and alluvial fan flooding can occur.

**Approved** means accepted by the department as meeting an applicable specification stated or cited in this division as suitable for the proposed use.

**Appurtenant structure** means a structure which is on the same parcel of property as the principal structure to be insured and the use of which is incidental to the use of the principal structure.

**Area of future conditions flood hazard** means the land area that would be inundated by the one-percent-annual chance (100-year) flood based on future conditions hydrology.

**Area of shallow flooding** means a designated AO, AH, or VO Zone on a community's flood insurance rate map (FIRM) with a one (1) percent chance or greater annual chance of flooding to an average depth of one (1) to three (3) feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

**Area of special flood hazard** means the land in the floodplain within a community subject to a one (1) percent or greater chance of flooding in any given year. The area may be designated as Zone A on the Flood Hazard Boundary Map (FHBM). After detailed rate making has been completed in preparation for publication of the FIRM, Zone A usually is refined into Zones A, AO, AH, A1-30, AE, A99, AR, AR/A1-30, AR/AE, AR/AO, AR/AH, AR/A, VO, V1-30, VE or V.

**Assessment** shall mean the determination of the amount of the maximum impact fee per service unit which can be imposed on new development pursuant to this article.

**Atmospheric vacuum breaker** shall mean an assembly containing an air inlet valve, a check seat, and an air inlet port. The flow of water into the body causes the air inlet valve to close the air inlet port. When the flow of water stops the air inlet valve falls and forms a check against backsiphonage. At the same time, it opens the air inlet port allowing air to enter and satisfy the vacuum. Also known as an atmospheric vacuum breaker backsiphonage prevention assembly.

**Auxiliary water supply** means any water supply on or available to the premises other than the public potable water supply, including, but not limited to, water from another purveyor's public potable water supply, treated effluent, wastewaters or industrial fluids.

**Backflow** means the reversal of the normal flow of water caused by either backpressure or backsiphonage.

**Backflow prevention** shall mean the mechanical prevention of reverse flow, or backsiphonage, of nonpotable water from an irrigation system into the potable water source.

**Backflow preventive assembly** means an assembly or means designed to prevent the reversal of the normal flow of water caused by either backpressure or backsiphonage.

**Backpressure** means the flow of water or other liquids, mixtures or substances under pressure into the distribution pipes of a potable water supply from any source other than the intended source.

**Backsiphonage** means the flow of water or other liquids, mixtures or substances into the distribution pipes of a potable water supply from any source other than its intended source caused by the reduction of pressure in the potable water supply system.

**Banner** as used herein shall include any type of temporary or permanent sign being constructed of fabric, canvas, or other durable or non-durable material whether natural or synthetic which is attached and/or mounted to a building, pole, pylon, or other device or fixture for the purpose of advertising a business, product, service or a not-for-profit organization. All banners must be constructed, placed and maintained in such a manner so as not to constitute a hazard or impact the health, safety or well-being of the public.

**Base flood** means the flood having a one (1) percent chance of being equaled or exceeded in any given year.

**Base flood elevation (BFE)** means the elevation shown on the flood insurance rate map (FIRM) and found in the accompanying Flood Insurance Study (FIS) for Zones A, AE, AH, A1-A30, AR, V1-V30, or VE that indicates the water surface elevation resulting from the flood that has a one (1) percent chance of equaling or exceeding that level in any given year—also called the base flood.

**Basement** means any area of the building having its floor subgrade (below ground level) on all sides.

**Best Management Practices** or **BMP** shall mean schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of the MS4, Waters of the State, and Waters of the United States. BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

**Block** shall mean a tract or parcel of land designated as such on a duly recorded plat and may be entirely surrounded by public streets or by a combination of public streets and public parks, cemeteries, railroad rights-of-way, or natural or manmade physical features that disrupt what would otherwise be an unbroken landscape (for example, ditches, gullies, ridges, etc.).

**Breakaway wall** means a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system.

**Building** shall mean any structure which is built for the support, shelter, or enclosure of persons, animals, chattels, machinery, equipment, or movable property of any kind.

**Building line** or building setback shall mean the line within the property defining the minimum horizontal distance between a building or other structure and the adjacent street line and other property lot lines, including side or rear property lines.

**Building official** shall mean the building official or their designee.

**Building permit** shall mean written permission issued by the city for the construction, repair, alteration or addition to a structure.

**Building sewer** shall mean the extension from the building drain to the public sewer or other place of disposal (also called house lateral and house connection).

**Burglar alarm notification** shall mean a notification intended to summon the police, which is either initiated or triggered manually or by an automated system warning of an intrusion.

**Camping trailer** shall mean a portable unit mounted on wheels and constructed of collapsible partial side walls which fold for towing by another vehicle and unfold to provide temporary living quarters for recreational, camping or trailer use.

**Capital construction cost of service** shall mean costs of constructing capital improvements or facility expansions, including and limited to the construction contract price, surveying and engineering fees, land acquisition costs (including land purchases, court awards and costs, attorney's fees, and expert witness fees), and the fees actually paid or contracted to be paid to an independent qualified engineer or financial consultant preparing or updating the capital improvements plan who is not an employee of the city.

**Capital Improvements Program (CIP)** shall mean [a] plan which identifies water and wastewater capital improvements or facility expansions pursuant to which impact fees may be assessed.

**Cash contribution** refers to an equivalent cash value contribution to the city for parkland property acquisition or parkland development costs in lieu of dedication of actual parkland property.

**CFR** shall mean the Code of Federal Regulations.

**Changeable electronic variable message sign (CEVMS)** shall mean a sign which permits lights to be turned on or off intermittently or which is operated in a way whereby light is turned on or off intermittently, including any illuminated sign on which such illumination is not kept stationary or constant in intensity and color at all times when such sign is in use, including a light emitting diode (LED) or digital sign, and which varies in color or intensity. A CEVMS sign does not include a sign located within the right-of-way which functions as a traffic control device and which is described and identified in the Manual on Uniform Traffic Control Devices (MUCTD) approved by the Federal Highway Administrator as the National Standard.

**City** shall mean the City of Rosenberg, Texas, a home-rule municipal corporation located within Fort Bend County.

**City council (council)** shall mean the governing body of the City of Rosenberg.

**City engineer** shall mean the registered professional engineer or firm of registered professional consulting engineers that has been specifically designated as such by the city.

**City manager** shall mean the chief executive officer of the city, appointed by the council, or the city manager's authorized representative.

**Commission** shall mean the planning commission of the city. The commission is appointed by the city council to act on subdivision plats, planning issues, and such other matters as shall be from time to time referred to the commission by the city council.

**Common plan of development** shall mean a construction activity that is completed in separate stages, separate phases, or in combination with other construction activities. A common plan of development is identified by the documentation for the construction project that identifies the scope of the project, and may include plats, blueprints, marketing plans, contracts, building permits, a public notice or hearing, zoning requests, or other similar documentation and activities.

**Community event** shall be an event or activity organized and sponsored by a church, school, or other recognized not-for-profit organization and having a frequency of occurrence of not more than four (4) such events each year which shall occur for a period of time not exceeding two (2) days or a weekend from Friday through Sunday or any part thereof and where all proceeds, earnings, if any, are paid to or received by a not-for-profit corporate entity including, but not limited to, a governmental institution, church or school. A community event sign may be permitted for a longer period not to exceed one (1) month by the city manager with the approval of the city council.

**Community information sign** shall mean a sign for the City of Rosenberg, other governmental entity, or local school district that advertises or promotes, including the promotion of general service announcements or other happenings that are of general interest to the community. Such sign shall be allowed to be placed on-premise of the property owned by such entity.

**Community park** refers to a larger park that serves a broader purpose than other types of parks. The main focus is on meeting community-based recreation needs, as well as preserving valued landscapes and open spaces. The location of community parks is determined by the quality and suitability of the site, relevant to its proximity to new development and other parks and open spaces. A community park serves two or more neighborhoods and has a primary service area within one mile of its location. A community park is sized to meet its needs and is typically a minimum of ten to 25 acres.

**Completion of irrigation system installation** shall mean when the landscape irrigation system has been installed, all minimum standards met, all tests performed, and the irrigator is satisfied that the system is operating correctly.

**Comprehensive Plan** shall mean the comprehensive long-range plan, adopted by the city council, which is intended to guide the growth and development of the city which includes analysis, recommendations and proposals for the city regarding such topics as population, economy, housing, transportation, community facilities and land use.

**Condominium** shall mean joint ownership and control, as distinguished from sole ownership and control of specified horizontal layers of air space; each condominium unit is individually owned, while the common elements of the condominium building, structure or development are jointly owned; may be commercial, industrial, recreational, or residential.

**Construction activity** shall mean a construction project resulting in land disturbance, which includes clearing, grubbing, grading, excavating, or demolition.

**Consulting** shall mean the act of providing advice, guidance, review or recommendations related to landscape irrigation systems.

**Contaminated** shall mean containing a harmful quantity of any substance.

**Contamination** means an impairment of the quality of the potable water by sewage, industrial fluids or waste liquids, compounds or other materials to a degree which creates an actual or potential hazard to the public health through poisoning or through the spread of disease.

**Corner lot** shall mean a building lot, not a double front lot, which has frontage on two (2) streets that are perpendicular to each other or within forty-five (45) degrees of being perpendicular to each other.

**Corridor Masonry** shall mean brick, stone, real stucco, split face concrete block, architectural concrete tilt wall or a combination thereof and shall not include exterior insulation and finishing system (EIFS), hardiplank or any other material not specifically provided for in this definition.

**Cosmetic cleaning** shall mean cleaning performed for cosmetic purposes. It does not include industrial cleaning, cleaning associated with manufacturing activities, hazardous or toxic waste cleaning, or any cleaning otherwise regulated under federal, state, or local laws.

**Cost of Issuance** means the issuance costs and expenses paid or reasonably expected by the District to be paid out of proceeds of the Refunding Bonds or from other District funds (excluding non-reimbursable contributions from non-District sources).

**County** shall mean Fort Bend County, Texas.

**County commission** shall mean the duly and constitutionally elected governing body of Fort Bend County.

**Critical feature** means an integral and readily identifiable part of a flood protection system, without which the flood protection provided by the entire system would be compromised.

**Crosswalk** shall mean a public right-of-way not more than six (6) feet in width between property lines which provides pedestrian circulation.

**Cross-connection** means any physical connection or arrangement of piping or fixtures between two (2) otherwise separate piping systems, one (1) of which contains potable water and the other nonpotable water or industrial fluids through which, or because of which, backflow may occur into the potable water system. This would include any temporary connections, such as swing connections, removable sections, four-way plug valves, spools, dummy section of pipe, swivel or change-over devices or sliding multiport tube. In regards to landscape irrigation systems, cross-connection shall mean an actual or potential connection between a potable water source and an irrigation system that may contain contaminants or pollutants or any source of water that has been treated to a lesser degree in the treatment process.

**Cul-de-sac** shall mean a street having but one (1) outlet to another street and terminated on the opposite end by a vehicular turnaround.

**Current Refunding** means a refunding of Indebtedness by means of redemption and/or payment thereof for which payment of the Refunded Bonds is scheduled to occur on or not more than ninety (90) days after the date of delivery of the Refunding Bonds to the initial purchasers thereof.

**Date of Issuance** means the date on which a District adopts an order or resolution authorizing the issuance and sale of bonds (specifying purchase price, interest rates, discount or premium and name of purchaser) or, with respect to any bonds issued pursuant to the authority provided by Section 1207.007, Texas Government Code, as amended, the date on which an authorized officer or employee of a District effects the sale of bonds as provided in Section 1207.007(a)(4), Texas Government Code, as amended.

**Dead end street** shall mean a street, other than a cul-de-sac, with only one (1) outlet.

**Debt Service Requirement** means, with respect to specified Indebtedness and a given time period, the aggregate amount of principal and interest scheduled to become due and payable during such time period in respect of such Indebtedness.

**Design** shall mean the act of determining the various elements of a landscape irrigation system that will include, but not be limited to, elements such as collecting site specific information, defining the scope of the project, defining plant watering needs, selecting and laying out emission devices, locating system components, conducting hydraulics calculations, identifying any local regulatory requirements, or scheduling irrigation work at a site. Completion of the various components will result in an irrigation plan.

**Design pressure** shall mean the pressure that is required for an emission device to operate properly. Design pressure is calculated by adding the operating pressure necessary at an emission device to the total of all pressure losses accumulated from an emission device to the water source.

**Design standards** shall mean such general requirements as shall be from time to time promulgated by the administrative officer for the design of public improvements and private improvements that connect to or affect the public infrastructure.

**Developer** shall mean any person subdividing a tract or parcel of land to be sold or otherwise handled for their own personal gain or use.

**Development** means any manmade change in improved and unimproved real estate, including but not limited to the subdivision of land and change in land use character, landscaping, fencing, signage, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

**Digital billboard** shall mean an off-premises sign utilizing digital message technology, capable of changing the static message or copy on the sign electronically. A digital billboard may be internally or externally illuminated. Digital billboards shall contain static messages only, and shall not have animation, movement, or the appearance or optical illusion of movement, of any part of the sign structure. Each static message shall not include flashing or the varying of light intensity. A digital billboard shall not be considered a CEVMS sign hereunder.

**Discharge** shall mean any addition or introduction of any pollutant, storm water, or any other substance whatsoever into the MS4, into Waters of the State, or Waters of the United States.

**Discharger** shall mean any person who causes, allows, permits, or is otherwise responsible for, a discharge, including, without limitation, any operator of a construction site or industrial facility.

**Display devices** shall mean any object or material, excluding permitted flags, designed to move, reflect light, or create visual distraction for the purpose of drawing attention to a business, product, or service. These devices are typically temporary and include materials that:

- A. Spin, twirl, vibrate, flutter, or rotate in wind or airflow.
- B. Reflect sunlight (e.g., metallic streamers or mirrors).
- C. Create visual motion through movement or light effects.

Examples Include:

- A. Feather flags, swooper flags, balloons.
- B. Promotional inflatables.
- C. Reflective streamers.
- D. Twisting ribbons or metallic cuttings.
- E. Wind-driven pinwheels or rotating contraptions.
- F. Homemade wind sculptures or spinners used for commercial attention.

**District** means a conservation and reclamation district located within either the corporate limits of the City and/or the extraterritorial jurisdiction of the City which was created with the consent of the City or has added land to its boundaries with the consent of the City.

**Double check valve** shall mean an assembly that is composed of two (2) independently acting, approved check valves, including tightly closed resilient seated shutoff valves attached at each end of the assembly and fitted with properly located resilient seated test cocks. Also known as a double check valve backflow prevention assembly.

**Double check valve assembly** means an assembly of two (2) independently operating approved check valves with tightly closing shutoff valves on each end of the check valves, plus properly located test cocks for the testing of each check valve. The entire assembly shall meet the design and performance standards as determined by a recognized laboratory and approved by the department for backflow prevention assemblies. To be approved these devices must be readily accessible for in-line testing and maintenance.

**Double front lot** shall mean a building lot, not a corner lot, which has frontage on two (2) streets that are parallel or within forty-five (45) degrees of being parallel to each other.

**Downtown area** shall mean the Old Rosenberg Downtown Market Region from the center right-of-way of Avenue I from the center right-of-way line of First Street to the center right-of-way line of Fifth Street, then north to the south right-of-way line of Southern Pacific Railroad from the center right-of-way lines of FM 723 and First Street to the center right-of-way line of Fifth Street.

**Duplex** shall mean a building containing two (2) dwelling units to be occupied by two (2) families living independently of each other.

**Easement** shall mean an area for restricted use on private property upon which a public utility shall have the right to remove and keep removed all or part of any building, fences, trees, shrubs, or other improvements or growths which in any way endanger, tend to endanger, or interfere with the construction or maintenance, or efficiency of its respective systems on any of these easements. The public utility shall at all times have the right of ingress and egress to, from and upon the said easement for the purpose of constructing, reconstructing, inspecting, patrolling, maintaining, and adding to or removing all or part of its respective systems without the necessity of procuring the permission of anyone. The ownership or title to the land encompassed by the easement is retained by the owner.

**Effective date** refers to the date upon which the city council adopted the ordinance enacting a Section.

**Elevated building** means a nonbasement building (i) built, in the case of a building in Zones A1-30, AE, A, A99, AO, AH, B, C, X, and D, to have the top of the elevated floor, or in the case of a building in Zones V1-30, VE, or V, to have the bottom of the lowest horizontal structure member of the elevated floor elevated above the ground level by means of pilings, columns (posts and piers), or shear walls parallel to the floor of the water and (ii) adequately anchored so as not to impair the structural integrity of the building during a flood of up to the magnitude of the base flood. In the case of Zones A1-30, AE, A, A99, AO, AH, B, C, X, and D, "elevated building" also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of flood waters. In the case of Zones V1-30, VE, or V, "elevated building" also includes a building otherwise meeting the definition of "elevated building," even though the lower area is enclosed by means of breakaway walls if the breakaway walls met the standards of Section 60.3(e)(5) of the National Flood Insurance Program Regulations.

**Emergency medical assistance alarm notification** shall mean a notification intended to summon emergency medical assistance from the city.

**Emission device** shall mean any device that is contained within an irrigation system and that is used to apply water. Common emission devices in an irrigation system include, but are not limited to, spray and rotary sprinkler heads, and drip irrigation emitters.

**Employed** shall mean engaged or hired to provide consulting services or perform any activity relating to the sale, design, installation, maintenance, alteration, repair, or service to irrigation systems. A person is employed if that person is in an employer-employee relationship as defined by Internal Revenue Code, 26 United States Code Service, § 3212(d) based on the behavioral control, financial control, and the type of relationship involved in performing employment related tasks.

**Engineer** shall mean a person duly authorized under the provisions of the Texas Engineering Registration Act, as amended, to practice the profession of engineering and who is specifically qualified to design and prepare construction plans, specifications and documents for subdivision development.

**Environmental Protection Agency or EPA** shall mean the United States Environmental Protection Agency, or any duly authorized official thereof.

**Erosion** shall mean the wearing away of ground surface by mass wasting or the movement of wind, water and/or ice.

**Estate lot** shall mean a residential lot, tract, or parcel of land containing three (3) acres or greater.

**Existing construction** means for the purpose of determining rates, structures for which the "start of construction" commenced before the effective date of the FIRM or before January 1, 1975, for FIRMs effective before that date. "Existing construction" may also be referred to as "existing structures."

**Existing manufactured home park or subdivision** means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

**Expansion to an existing manufactured home park or subdivision** means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

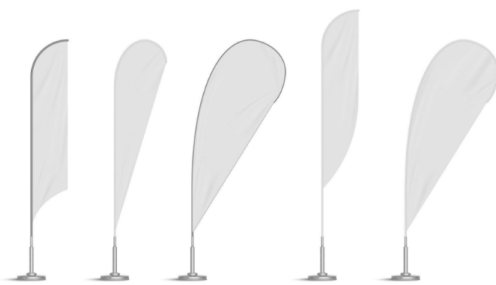
**Extraterritorial jurisdiction**, within the terms of the Texas Municipal Annexation Act, shall mean the unincorporated area, not a part of any other city, which is contiguous to the corporate limits of the city, the outer boundaries of which are measured from the extremities of the corporate limits of the city outward for such distances as may be stipulated in the Texas Municipal Annexation Act in accordance with the total population of the incorporated city, in which area, within the terms of the act, the city may enjoin the violation of its Code.

**Exterior** shall mean the façade of the building not including windows or doors.

**Facility**, as used in Chapter 6, Article III, shall mean any facility, including construction sites, required by the Federal Clean Water Act to have a permit to discharge storm water associated with industrial activity.

**False alarm** shall mean the activation of any alarm system which was not the result of an emergency or threat of emergency of the kind for which the alarm system was designed to give notice nor the result of a severe weather condition, power surge or power failure that caused physical damage to or the malfunction of the alarm system.

**Feather flag** (also known as a teardrop or sail flag) shall mean a tall, narrow sign made of flexible material stretched over a curved or straight pole. Typically used for temporary commercial promotion, it sways with the wind and is placed in the ground or a weighted base.



**Filing date (commission)** shall mean the date when all necessary forms, fees, and copies are submitted for review, recommendation and approval by the commission, and such forms, fees and requirements are acknowledged as being complete by letter or certificate issued by the city to or in favor of the developer or applicant.

**Filing date (city council)** shall mean the date the commission recommends approval of the plat to the city council.

**Filing fee** shall mean the prescribed plat and lot fee rates, as shall be from time to time established and promulgated by the city manager, to accompany the filing with the commission for preliminary and final subdivision plats.

**Final plat** shall mean a map or drawing of a proposed subdivision prepared to meet all of the requirements for approval by the commission and city council. Distances shall be accurate to the nearest hundredth of a foot. The final plat of any lot, tract, or parcel of land shall be recorded in the records of the county. An amended plat is also a final plat.

**Final subdivision plat (final plat)** shall mean the map, drawing or chart on which is provided a subdivider's plan of a subdivision, and which has received final approval by the planning commission and city council and which is recorded with the office of the county clerk.

**Fire alarm notification** shall mean a notification to the fire department intended to summon firefighting forces, which is initiated or triggered manually by an alarm system designed to react to any of the visual or physical characteristics of a fire.

**Fire Code** shall mean the 2012 International Fire Code, and all subsequent revisions and updates, as adopted by the city.

**Fire department** shall mean the Fire Department of the City of Rosenberg, or any duly authorized representative thereof.

**Fire lane** shall mean a required access for emergency vehicles to be shown on the plat as a privately maintained easement providing public access.

**Fire protection water** shall mean any water, and any substances or materials contained therein, used by any person other than the fire department to control or extinguish a fire.

**Flag** shall mean a piece of cloth or synthetic material, typically rectangular, used as a symbol or identifier, and:

- A. Represents a nation, state, county, city, or governmental entity.
- B. Represents a religious, charitable, fraternal, political, military, or historic organization.
- C. May also include a flag bearing a business logo or emblem, if displayed in accordance with Section 1.372.

**Flood or flooding** means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- A. The overflow of inland or tidal waters.
- B. The unusual and rapid accumulation or runoff of surface waters from any source.

**Flood insurance rate map (FIRM)** means an official map of a community, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

**Flood insurance study** is the official report provided by the Federal Emergency Management Agency. The report contains flood profiles, water surface elevation of the base flood, as well as the Flood Boundary-Floodway Map.

**Floodplain or flood-prone area** means any land area susceptible to being inundated by water from any source (see definition of flooding).

**Floodplain management** means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works and floodplain management regulations.

**Floodplain management regulations** means zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance and erosion control ordinance) and other applications of police power. The term describes such state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

**Flood protection system** means those physical structural works for which funds have been authorized, appropriated, and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the areas within a community subject to a "special flood hazard" and the extent of the depths of associated flooding. Such a system typically includes hurricane tidal barriers, dams, reservoirs, levees or dikes. These specialized flood modifying works are those constructed in conformance with sound engineering standards.

**Floodproofing** means any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

**Floodway (regulatory floodway)** means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

**Front or frontage** shall mean that portion of a tract of land which abuts on a public street to which it has direct access.

**Front or frontage (corner lot, residential)** shall be the side abutting a public street with the narrowest frontage. In a case where both sides abutting a public street are equal in distance, the determination of the front shall be determined by the planning director or his designee after considering the subject tracts relation to the thoroughfare plan.

**Front Building Elevation** shall mean a minimum of one (1) building elevation containing the front door of the establishment and facing a street, but not necessarily all building elevations facing a street.

**Functionally dependent use** means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

**Ghost sign** shall mean any existing wall sign that advertises a business or service used historically in the early to mid-20th century. Ghost signs may be faded and can be repainted to preserve the historic character of the sign by matching the original colors. Ghost signs are typically found in historic districts and may advertise an obsolete business or product.

**Gross Debt Service Savings** means the amount by which the total scheduled debt service on the Refunded Bonds exceeds the total scheduled debt service on the Refunding Bonds, less the transfer of any cash or securities from District sources other than proceeds of the Refunding Bonds to the escrow fund or redemption fund for the Refunded Bonds and less the Costs of Issuance paid from any source other than proceeds of the Refunding Bonds.

**Growth-related costs** shall mean capital construction costs of service related to providing additional service units to new development, either from excess capacity in existing facilities, from facility expansions or from new capital facilities. Growth-related costs do not include:

- A. Construction, acquisition, or expansion of public facilities or assets other than capital improvements or facility expansions identified in the capital improvements plan;
- B. Repair, operation, or maintenance of existing or new capital improvements or facility expansions;
- C. Upgrading, updating, expanding, or replacing existing capital improvements to serve existing development in order to meet stricter safety, efficiency, environmental, or regulatory standards;
- D. Upgrading, updating, expanding, or replacing existing capital improvements to provide better service to existing development;
- E. Administrative and operating costs of the city; or
- F. Principal payments and interest or other finance charges on bonds or other indebtedness, except for such payments for growth-related facilities contained in the capital improvements program.

**Hanging sign** shall mean a permanent sign that is attached to the underside of an awning, canopy, or other structure projecting from a wall or roof of structure that covers a pedestrian walkway, located near the business entrance just above the door or to the side of the door, hanging perpendicular or parallel to the building façade.

**Harmful quantity** shall mean the amount of any substance that will cause pollution of Waters of the State, Waters of the United States, or that will cause lethal or sub-lethal adverse effects on representative, sensitive aquatic organisms, upon their exposure to samples of any discharge into Waters of the State, Waters of the United States, or the MS4.

**Head-to-head spacing** shall mean the spacing of spray or rotary heads equal to the manufacturer's published radius of the head.

**Highest adjacent grade** means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

**Historic structure** means any structure that is:

- A. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the secretary of the interior as meeting the requirements for individual listing on the National Register;
- B. Certified or preliminarily determined by the secretary of the interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the secretary to qualify as a registered historic district;
- C. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the secretary of interior; or
- D. Individually listed on a local inventory or historic places in communities with historic preservation programs that have been certified either:
  - 1. By an approved state program as determined by the secretary of the interior; or
  - 2. Directly by the secretary of the interior in states without approved programs.

**Health hazard** means an actual or potential threat of contamination of a physical or toxic nature to the public potable water system or the consumer's potable water system that would be a danger to health.

**HUD-code manufactured home** shall mean a structure constructed on or after June 15, 1976, according to the rules of the United States Department of Housing and Urban Development, transportable in one (1) or more sections, which in the traveling mode, is eight (8) body feet or more in width or forty (40) body feet or more in length, or when erected on-site, is three hundred twenty (320) or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning and electrical systems.

**Hydraulics** shall mean the science of dynamic and static water; the mathematical computation of determining pressure losses and pressure requirements of an irrigation system.

**Impact fee** shall mean charge or assessment to be imposed by the city upon new development to generate revenue for funding or recouping the costs of capital improvements or facility expansions necessitated by and attributable to new development. The term includes amortized charges, lump-sum charges, impact fees, contributions in aid of construction, and any other fee that functions as described by this definition. Impact fees do not include dedication of rights-of-way or easements, or construction or dedication of site-related water distribution or wastewater collection facilities, or streets, sidewalks, or curbs if the dedication or construction is required by other valid ordinances of the City Code and is necessitated by and attributable to the new development; lot or acreage fees placed in trust funds for the purpose of reimbursing developers for oversizing or constructing water or sewer mains or lines; or other pro rata fees for reimbursement of water or sewer mains or lines extended by the city.

**Impervious surface** shall mean a surface that does not allow the absorption of water or fluids; examples include paved streets, gravel or paved areas such as driveways, parking areas, packed earth material, oiled macadam or other treated surfaces; walkways, roof surfaces, patios, and formal planters.

**Indebtedness** means all or any portion of any bond or bonds, including refunding bonds, issued or incurred by a District which are payable in whole or in part from ad valorem taxes which, at the time in question, remain outstanding.

**Industrial** shall mean establishments engaged in manufacturing, assembly, storage, warehouse, distribution, and combination office-warehouse uses.

**Industrial lot** shall mean a lot utilized for the bulk storage of, or manufacturing processes that use, flammable, explosive or high hazard materials; or a lot utilized in such a manner as to emit odors, noises, dust or vibrations beyond the boundaries of the lot.

**Inoperable vehicle** shall mean any motor vehicle of any type that is either mechanically inoperable to the extent that said vehicle may not be safely operated upon the public streets of the state or does not have affixed thereto a valid and unexpired state inspection sticker or registration certificate issued by the state department of transportation.

**Inspector** shall mean a licensed plumbing inspector, water district operator, other governmental entity, or irrigation inspector who inspects irrigation systems and performs other enforcement duties for a municipality or water district as an employee or as a contractor.

**Installer** shall mean a person who connects an irrigation system to a private or public raw or potable water supply system or any water supply, who is licensed according to Title 30, Texas Administrative Code, Chapter 30 (relating to occupational licenses and registrations).

**Irrigation inspector** shall mean a person who inspects irrigation systems and performs other enforcement duties for a municipality or water district as an employee or as a contractor and is required to be licensed under Title 30, Texas Administrative Code, Chapter 30 (relating to Occupational Licenses and Registrations).

**Irrigation plan** shall mean a scaled drawing of a landscape irrigation system which lists required information, the scope of the project, and represents the changes made in the installation of the irrigation system.

**Irrigation services** shall mean selling, designing, installing, maintaining, altering, repairing, servicing, permitting, providing consulting services regarding, or connecting an irrigation system to a water supply.

**Irrigation system** shall mean an assembly of component parts that is permanently installed for the controlled distribution and conservation of water to irrigate any type of landscape vegetation in any location, and/or to reduce dust or control erosion. This term does not include a system that is used on or by an agricultural operation as defined by Texas Agricultural Code, §251.002.

**Irrigation technician** shall mean a person who works under the supervision of a licensed irrigator to install, maintain, alter, repair, service or supervise installation of an irrigation system, including the connection of such system in or to a private or public, raw or potable water supply system or any water supply, and who is required to be licensed under Title 30, Texas Administrative Code, Chapter 30 (relating to occupational licenses and registrations).

**Irrigation zone** shall mean a subdivision of an irrigation system with a matched precipitation rate based on plant material type (such as turf, shrubs, or trees), microclimate factors (such as sun/shade ratio), topographic features (such as slope) and soil conditions (such as sand, loam, clay, or combination) or for hydrological control.

**Irrigator** shall mean a person who sells, designs, offers consultations regarding, installs, maintains, alters, repairs, services or supervises the installation of an irrigation system, including the connection of such system to a private or public, raw or potable water supply system or any water supply, and who is required to be licensed under Title 30, Texas Administrative Code, Chapter 30.

**Irrigator-in-charge** shall mean the irrigator responsible for all irrigation work performed by an exempt business owner, including, but not limited to obtaining permits, developing design plans, supervising the work of other irrigators or irrigation technicians, and installing, selling, maintaining, altering, repairing, or servicing a landscape irrigation system.

**Land disturbance** or **disturb land** shall mean clearing, grubbing, grading, excavating, demolishing, or any other form of disturbing land that consists of:

- A. One (1) or more acre of land; or

- B. Less than one (1) acre of land that is part of a larger common plan of development or sale that will result in disturbance of one (1) or more acres.

**Land plan** shall mean a general, conceptual or master plan for an area proposed for partial or complete subdivision. The land plan shall show the proposed locations of land uses, streets, phasing of development, important physical features, and other applicable information for the entire area to be subdivided.

**Land use assumptions** shall mean description of the service area and projections of changes in land uses, densities, intensities, and population therein over at least a ten-year period, adopted by the city, as may be amended from time to time, upon which the capital improvement plan is based.

**Landscape irrigation** shall mean the science of applying the necessary amount of water to promote or sustain healthy growth of plant material or turf.

**Levee** means a manmade structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding.

**Levee system** means a flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

**License** shall mean an occupational license that is issued by the Texas Commission on Environmental Quality under Title 30, Texas Administrative Code, Chapter 30 to an individual that authorizes the individual to engage in an activity that is covered by Title 30, Texas Administrative Code, Chapter 30.

**Local alarm** shall mean an alarm system that emits a signal at an alarm site that is audible or visible from the exterior of a structure and has as its purpose the summoning of aid from a city department.

**Lot** shall mean a divided or undivided parcel of land having frontage on at least one (1) public street which is or in the future may be offered for sale, conveyance, transfer or improvement; which is designated as distinct and separate; and which is identified by lot number and block number or symbol in a duly approved subdivision plat which has been properly filed for record.

**Lot area** shall mean the total area, measured on a horizontal plane, included within the lot or property line.

**Lot depth** shall mean the length of a straight line connecting the midpoint of the front and rear lot lines.

**Lot width** shall mean width of the lot at the front building setback line.

**Lowest floor** means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking or vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirement of Section 60.3 of the National Flood Insurance Program Regulations.

**Manufactured housing** shall mean a HUD-code manufactured home or a mobile home and collectively means and refers to both.

**Manufactured home** means a structure transportable in one (1) or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a "recreational vehicle."

**Major thoroughfare plan** shall mean the comprehensive plan of highways, major thoroughfares, and collector streets as a part of the city's comprehensive plan and adaptations, amendments, or supplements thereto as adopted by the commission and city council.

**Masonry** shall mean brick, stone, real stucco or a combination thereof and shall not include exterior insulation and finishing system (EIFS), hardiplank or any other material not specifically provided for in this definition.

**Mainline** shall mean a pipe within an irrigation system that delivers water from the water source to the individual zone valves.

**Maintenance checklist** shall mean a document made available to the irrigation system's owner or owner's representative that contains information regarding the operation and maintenance of the irrigation system, including, but not limited to: checking and repairing the irrigation system, setting the automatic controller, checking the rain or moisture sensor, cleaning filters, pruning grass and plants away from irrigation emitters, using and operating the irrigation system, the precipitation rates of each irrigation zone within the system, any water conservation measures currently in effect from the water purveyor, the name of the water purveyor, a suggested seasonal or monthly watering schedule based on current evapotranspiration data for the geographic region, and the minimum water requirements for the plant material in each zone based on the soil type and plant material where the system is installed.

**Major maintenance, alteration, repair, or service** shall mean any activity that involves opening to the atmosphere the irrigation main line at any point prior to the discharge side of any irrigation zone control valve. This includes, but is not limited to, repairing or connecting into a main supply pipe, replacing a zone control valve, or repairing a zone control valve in a manner that opens the system to the atmosphere.

**Master valve** shall mean a remote control valve located after the backflow prevention device that controls the flow of water to the irrigation system mainline.

**Matched precipitation rate** shall mean the condition in which all sprinkler heads within an irrigation zone apply water at the same rate.

**Mean sea level** means, for purposes of the National Flood Insurance Program, the North American Vertical Datum (NAVD) of 1988 or other datum, to which base flood elevations shown on a community's flood insurance rate map are referenced.

**Mini-park** is intended for passive use and limited recreational activity of the immediate neighbors. They are typically developed within apartment complexes, manufactured home parks, and other heavily populated developments and are designed to serve the needs of the immediate population.

**Mobile commercial cosmetic cleaning** shall mean power washing, steam cleaning, and any other mobile cosmetic cleaning operation, of vehicles and/or exterior surfaces, engaged in for commercial purposes.

**Mobile home** shall mean a structure that was constructed before June 15, 1976, transportable in one (1) or more sections which, in the traveling mode, is eight (8) body feet or more in width or forty (40) body feet or more in length, or when erected on-site, is three hundred twenty (320) or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning and electrical systems contained therein.

**Mobile home lot or manufactured home lot** shall mean a plot of ground within a mobile/manufactured home park designed for the accommodation of one (1) mobile home or one (1) manufactured home.

**Mobile home park or manufactured home park** shall mean a parcel (or contiguous parcels) of land divided into two or more mobile home or manufactured home lots for rent or sale, the development of said parcel (or contiguous parcels) of land having been planned and improved for the placement of mobile/manufactured homes approved by the city in accordance with all applicable codes, ordinances, laws, rules and regulations.

**Mobile home stand or manufactured house stand** shall mean the space within the lot on which a mobile/manufactured home is to be located.

**Mobile home subdivision or manufactured home subdivision** shall mean a parcel (or contiguous parcels) of land divided into two or more mobile home or manufactured home lots for rent or sale and being a duly recorded subdivision which has been planned and approved for mobile/manufactured homes approved by the city in accordance with all applicable codes, ordinances, laws, rules and regulations.

**Motor home** shall mean a vehicular unit designed to provide temporary living quarters for recreational, camping or travel use built on or permanently attached to a self-propelled motor vehicle chassis or on a chassis cab or van which is an integral part of the completed vehicle and shall be understood to mean a recreational vehicle as that term is used herein.

**Motor vehicle** shall mean a self-propelled vehicle required to be registered under the Texas Transportation Code, and is designed for use on a public roadway, regardless if the motor vehicle is operable, inoperable or dismantled.

**Multi-family dwelling** shall mean a structure designed to contain three (3) or more complete separate living facilities for single-family occupancy. Multi-family dwellings shall include apartments and condominiums and shall be platted accordingly.

**Multi-tenant sign** shall mean a sign displaying advertising for two (2) or more separate businesses or service entities upon a single sign structure.

**Municipal separate storm sewer system** or **MS4** shall mean the system of conveyances (including sidewalks, roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains) owned and operated by the city and designed or used for collecting or conveying storm water, and that is not used for collecting or conveying sewage.

**National Pollutant Discharge Elimination System** or **NPDES** shall mean the national program for issuing, modifying, revoking and reissuing, terminating, monitoring and enforcing permits, and imposing and enforcing pretreatment requirements, under sections 307, 402, 318, and 405 of the Federal Clean Water Act.

**Net Present Value Savings** means the amount by which the total Debt Service Requirement on the Refunded Bonds, discounted on a semi-annual basis at a rate equal to the True Interest Cost of the Refunding Bonds on their date of initial delivery, exceeds the total Debt Service Requirement on the Refunding Bonds, discounted on a semi-annual basis at a rate equal to the True Interest Cost of the Refunding Bonds on their date of delivery, plus accrued interest received by the District on the Refunding Bonds and the transfer of any cash or securities to the escrow fund or redemption fund for the Refunded Bonds, by contribution or otherwise, from non-District sources and less the transfer of any cash or securities from District sources (other than the proceeds of the Refunding Bonds), including transfers of cash or securities for payment of accrued interest on the Refunded Bonds, to the escrow fund or redemption fund for the Refunded Bonds, and less the Costs of Issuance of the Refunding Bonds paid from any source other than proceeds of the Refunding Bonds.

**New construction** means, for the purpose of determining insurance rates, structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, "new construction" means structures for which the "start of construction" commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

**New development** shall mean any of the following activities:

- A. Structural development, including structure of a new building or other structure;
- B. Expansion or alteration of an existing structure that results in an increase of the footprint of the building or structure;
- C. Activities that result in land disturbance;
- D. Creation or expansion of impervious surface(s);
- E. Demolition; and
- F. Subdivision of land as defined in the city's subdivision requirements.

**New manufactured home park or subdivision** means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.

**Nonconforming sign** shall mean a sign that does not conform with the regulations of Chapter 1, Article XV of this Code, and:

- A. Was erected in compliance with the regulations then in effect; or
- B. Was lawfully in place at the time it was annexed to the city.

**Non-health or low hazard** means the classification assigned to an actual or potential cross connection that potentially could allow a substance that may be objectionable but not hazardous to one's health to backflow into the potable water supply.

**Non-point source** shall mean any source of any discharge of a pollutant that is not a "point source."

**Notice of intent or NOI** shall mean the notice of intent that is required by the NPDES Storm Water Multi-Sector General Permit, the EPA Region 6 NPDES Storm Water Construction general permit, the TCEQ Storm Water Construction general permit, or any similar general permit that is issued by the EPA or the TCEQ.

**Neighborhood park** refers to the basic unit of the park system, which is intended to serve as a recreational focus of the neighborhood. It is typically one quarter to one half mile distance from all areas it serves and uninterrupted by arterial roads, highways, and other barriers to safe use. The site should be accessible from throughout its service area by way of interconnecting sidewalks or trails. The minimum size of a neighborhood park is five acres. The shape of the parkland shall be conducive to meeting its purpose as an area for both active and passive recreation.

**New installation** shall mean an irrigation system installed at a location where one did not previously exist.

**NPDES permit** shall mean a permit issued by EPA (or by the state under authority delegated pursuant to 33 USC § 1342(b)) that authorizes the discharge of pollutants to Waters of the United States, whether the permit is applicable to an individual or group, or on a general area-wide basis.

**Official sign** means directional and other official signs authorized by law, including public notices, signs pertaining to scenic and historic attractions, and signs which have as their purpose the protection of life and property. A permit shall not be required for any official sign. An official sign shall include a house number or number designation painted on a curb or attached to a pole or post of any kind.

**Off-premises sign** shall mean any sign advertising a business, person, activity, goods, products or services not usually located on the premises where the sign is installed and maintained, or which directs persons to any location not on the premises.

**On-premises sign** shall mean any sign identifying or advertising the business, person, activity, goods, products or services primarily sold or offered for sale on the premises where the sign is installed and maintained when such premises is used for business purposes.

**One-foot reserve** shall mean a buffer strip established within the public street right-of-way and adjacent un-subdivided acreage to prevent access to the public street right-of-way for a street on or parallel to the plat boundary. When the adjacent property is platted the one-foot reserve becomes vested in the public for street right-of-way purposes.

**Open space** shall mean private property under common ownership designated for recreation area, private park, play lot area, plaza area, and ornamental area open to general view and within the subdivision. Open space does not include streets, alleys, utility easements, and required building setbacks. The primary function of this type of parkland is to preserve vegetated areas and tree lines as well as to conserve sensitive resources. Open space may be required for dedication to the public or restricted by conservation easement in the favor of the city.

**Operate** shall mean drive, conduct, work, run, manage, or control.

**Operator**, as used in Chapter 6, Article III hereof, shall mean the party or parties that either individually or taken together meet the following two (2) criteria: 1) They have operational control over the site specifications (including the ability to make modifications in specifications); and 2) they have the day-to-day operational control of those activities at the site necessary to ensure compliance with SWPPP requirements and any permit conditions.

**Ordinance** means this ordinance adopted by the City Council of the City of Rosenberg, Texas.

**Outdoor display area(s)** shall mean an area for the outdoor display of motor vehicles that are available for rent, sale, lease or storage.

**Parking Setback** shall mean the line within the property defining the minimum horizontal distance between off-street parking spaces or off-street parking space drive aisles and the adjacent street right-of-way line and other property lot lines, including side or rear property lines.

**Parkland** refers to the actual property on which the public park will be situated. It is also referred to as the property to be dedicated by the property owner to the city pursuant to these parkland dedication requirements.

**Parkland contribution** refers to the actual dedication of parkland property to the city by way of plat note and/or general warranty deed.

**Parkland improvements** include those improvements to the city-owned parkland that allow the parkland to be utilized as public parks, including, but not limited to, new construction, renovation, and replacement of existing facilities that are functionally obsolete or unsafe.

**Pass-through contract** shall mean a written contract between a contractor or builder and a licensed irrigator or exempt business owner to perform part or all of the irrigation services relating to an irrigation system.

**Patio home or zero lot line home** shall mean a single-family detached dwelling unit on a lot which shall have a minimum area of six thousand (6,000) square feet that requires a zero building line on one (1) side and a minimum ten-foot side yard on the other. There shall be right to access from the side yard adjoining the zero lot line for maintenance purposes, and there shall be only one (1) detached dwelling unit per platted lot which shall be individually owned. However, a patio home shall not include a mobile home, manufactured housing and/or travel trailer.

**Patio home subdivision** shall mean those developments in which it is proposed to partition land into individual lots and construct patio homes which shall be individually owned and where the offset of a structure shall be zero on one (1) side of the lot with an easement of ten (10) feet granted on the opposite side to the adjoining property owner for maintenance purposes.

**Pavement** width shall mean the portion of a street available for vehicular traffic. Where curbs are laid it shall be from inside of curb to inside of curb.

**Person** (Ch. 31) shall mean any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity; or their legal representatives, agents, or assigns. This definition includes all federal, state, and local governmental entities.

**Planned Cluster** means a type of residential neighborhood in which single-family detached and single-family attached dwelling units are concentrated on a portion of the parcel proposed for development, in order to allow the remaining land to be used for recreation, open space, or preservation of sensitive land areas

**Planned unit development** shall mean a form of development which promotes the development of a tract of land in a unified manner and which may allow for certain variances from the established development standards for lot sizes, lot width and building lines, as established in this chapter. Town homes, patio homes, cluster homes, condominiums and multi-family developments may be considered a planned unit development.

**Plat** shall mean a map, drawing, chart, or plan showing the layout of a proposed subdivision into lots, blocks, streets, parks, school sites, commercial or industrial sites, drainage ways, building lots, easements, alleys, or any similar type of plat, which a developer submits for approval and a copy of which he intends to record in final form.

**Plat certificate** shall mean a certificate issued upon approval and recordation of the subdivision certifying that the subdivision has met all the requirements for a plat.

**Point source** shall mean any discernible, confined, and discrete conveyance, including, but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, landfill leachate collection system, vessel, or other floating craft from which pollutants are or may be discharged. This term does not include return flows from irrigated agriculture or agricultural storm water runoff.

**Political sign** means any sign announcing or promoting the candidacy of one (1) or more persons for elective office, or concerning any political issue, appearing or which is to appear on the ballot in any local, state or national election.

**Pollutant** shall mean dredged spoil; solid waste; incinerator residue; sewage; garbage; sewage sludge; filter backwash; munitions; chemical wastes; biological materials; toxic materials; radioactive materials; heat; wrecked or discarded equipment; rock; sand; cellar dirt; and industrial, municipal, recreational, and agricultural waste discharged into water or into the MS4.

**Pollution** means the presence of any foreign substance (organic, inorganic or biological) in the water which tends to degrade its quality so as to constitute a hazard or impact the usefulness or quality of the water to a degree which does not create an actual hazard to the public health but which does adversely and unreasonably affect such waters for domestic use.

**Portable sign** shall mean any sign not permanently set in concrete or placed in the ground to a sufficient depth to prevent said sign from becoming a hazard as shall be from time to time determined by the director of public works or certified by a registered state engineer.

**Potable water** shall mean water that is suitable for human consumption.

**Preliminary plat** shall mean a map or drawing of a proposed subdivision illustrating the features of the development for review and recommendation by the commission, but not suitable for recordation in the county records.

**Pressure vacuum breaker assembly** means an assembly containing an independently operating loaded check valve and an independent operating loaded air inlet valve located on the discharge side of the check valve. The assembly will be equipped with properly located test cocks and tightly closing shutoff valves located at each end of the assembly. Also known as a pressure vacuum breaker backsiphonage prevention assembly.

**Primary Tree** shall mean live oak, shumard oak, red maple, Mexican sycamore, bald cypress, loblolly pine, or southern red oak.

**Principal structure or building** shall mean the structure or building in which the principal use of the lot or parcel of property which it is located on is conducted; all residential uses are principal uses.

**Private park** is one that is owned in fee and fully maintained by a homeowners' association or other designated organization. They are designed and constructed by the developer and for use of residents only within the neighborhood.

**Private street** shall mean a private right-of-way, not dedicated to public use, which provides vehicular access to more than two (2) residential dwelling units, or two (2) or more commercial or industrial buildings or parking areas. The right-of-way and pavement shall meet all of the requirements as set forth for a street dedicated to public use, including but not limited to construction standards, width, building lines, and function, but shall be privately maintained.

**Promotional inflatable** shall mean a structure typically made of durable materials such as PVC or nylon and filled with air by using either a blower or pump—typically branded or colorful—that are tethered to the ground or a structure for visibility.



**Public easement** shall mean a right granted or dedicated to the public or governmental agency in, on, across, over, or under property for a specified use by an instrument or map duly recorded in the records of the county.

**Publicly owned treatment works or POTW** shall mean a sewage treatment plant that is owned, and operated, by the City of Rosenberg.

**Public sewer** shall mean pipe or conduit carrying wastewater or unpolluted drainage in which owners of abutting properties shall have the use, subject to control by the city.

**Public street** shall mean a right-of-way dedicated to public use for pedestrian and vehicular traffic and public utility purposes.

**Real estate sign** shall mean a sign advertising real estate for sale or rent and which is located upon the property that is being offered for sale or rent. Such sign shall not be larger than thirty-two (32) square feet, shall not exceed four (4) feet by eight (8) feet in size and must be firmly affixed to poles or stakes set in the ground to a sufficient depth to be sure that the sign shall not be hazardous or constitute a hazard.

**Reclaimed water** shall mean domestic or municipal wastewater which has been treated to a quality suitable for beneficial use, such as landscape irrigation.

**Record plat** shall mean a plat of any lot, tract or parcel of land that is recorded with the county clerk following final approval by the city council.

**Records of landscape irrigation activities** shall mean the irrigation plans, contracts, warranty information, invoices, copies of permits, and other documents that relate to the installation, maintenance, alteration, repair, or service of a landscape irrigation system.

**Recreational vehicle** shall mean a vehicle which is (i) built on a single chassis; (ii) four hundred (400) square feet or less when measured at the largest horizontal projections; (iii) designed to be self-propelled or permanently towable by a light duty truck; designed to contain facilities for either sleeping or temporary living quarters, or both, and which has its own motive power or is designed to be mounted on or towed by another motor vehicle. The term recreational vehicle shall include but not be limited to a motor home, truck camper, travel trailer and camping trailer; provided, however a recreational vehicle shall not include a boat, a mobile home or a manufactured home.

**Recreational vehicle park** shall mean a contiguous development of land which has been planned and improved for the placement of recreational vehicles approved by the city in accordance with applicable codes, ordinances, laws, rules and regulations.

**Redevelopment** shall mean exterior restoration, renovation, or expansion of an existing structure that improves its appearance or changes its architectural character; or new building construction on a site that had pre-existing uses. For the purposes of Chapter 6 – Storm Water Protection, redevelopment shall mean any construction, alteration or improvement exceeding one (1) acre in areas which modifies existing land use.

**Reduced pressure principle assembly** means an assembly of two (2) independently acting approved check valves with hydraulically operating, mechanical independent differential pressure relief valve located between the check valves and, at the same time, below the first check valve. The unit shall include properly located test cocks and tightly closing shutoff valves at each end of the assembly. The entire device shall meet the design and performance specifications as determined by a recognized laboratory and approved by the department for backflow prevention assemblies. To be approved, these devices must be readily accessible for in-line testing and maintenance.

**Refunded Bonds** means that portion of a District's Indebtedness to be refunded by Refunding Bonds.

**Refunding Bonds** means any Indebtedness which is payable in whole or in part by ad valorem taxes levied by such District and which is issued by a District pursuant to the authority of applicable law and subject to this Ordinance to refund Indebtedness, including Indebtedness issued to accomplish a Current Refunding or an Advance Refunding.

**Regional parks** are large acreages that usually have distinct natural qualities for outdoor recreation, such as nature observance and habitat conservation, as well as active recreational areas for swimming, picnicking, hiking, fishing, boating, camping, and other uses. These facilities are a minimum of 150 acres in size and attract visitors within a one hour driving distance.

**Release** shall mean any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into groundwater, subsurface soils, surface soils, the MS4, the Waters of the State, or the Waters of the United States.

**Rental inspection** means an inspection of a rental unit to determine compliance with all applicable standards set forth in the City building, electrical, plumbing, or other applicable City codes, and any other applicable state or local laws.

**Rental unit** means a single-family dwelling unit, a duplex dwelling unit, a town home dwelling unit, a condominium dwelling unit, a manufactured home dwelling unit, or an individual multifamily dwelling unit, or any portion thereof, that is rented or offered for rent as a residence.

**Replat** shall mean the resubdivision of all or any part of any block or lots of a previously platted subdivision.

**Reserve** shall mean a tract, parcel, or unit of land not physically divided, which may have frontage on a public street, and which is, or in the future may be, offered for sale, conveyance, transfer, lease, or improvement which is designated as a distinct separate tract and which is identified by a reserve symbol on a duly approved subdivision plat that has been properly recorded with the county.

**Residential property** means an establishment serving a single-family or household.

**Riverine** means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

**Robbery** shall mean the offense committed where a person in the course of committing a theft and with the intent to obtain or maintain control of the property intentionally or knowingly causes, threatens or places another in fear of bodily injury or death.

**Robbery alarm notification** shall mean a notification intended to summon the police when a robbery occurs by means of an alarm system designed to be purposely activated by a human.

**Sales lot** shall mean any premises used by a retailer for showing manufactured homes to potential customers or any tract of land used for showing recreational vehicles to potential customers excepting premises used and owned by an individual showing a recreational vehicle.

**Sanitary sewer** shall mean a public sewer that conveys domestic wastewater or industrial wastes or a combination of both, and into which storm water, surface water, groundwater, and other unpolluted wastes are not intentionally passed.

**Secondary Tree** shall mean river birch, wax myrtle, eastern redbud, crape myrtle, Mexican plum, cherry laurel, or east Palatka holly.

**Service area** shall mean area within the corporate boundaries and within the extraterritorial jurisdiction as defined by the Municipal Annexation Act (Chapter 42, Local Government Code), to be served by the water or wastewater capital improvements or facilities expansions specified in the capital improvements program applicable to the service area. The service area represents the general geographic basis for planning the utility capital improvement programs, used to formulate the fees. The service area is conceptual in nature and does not necessarily represent a definitive commitment for service by the city; the service area boundary also does not necessarily represent limits to service potential or fee assessment.

**Shrub** shall mean waxleaf ligustrum, redtip photinia, oleander, wax myrtle, or burfurd holly.

**Sidewalk** shall mean a paved pedestrian walkway parallel to a street right-of-way line or street pavement edge, which walkway shall be constructed within the right-of-way of any public street.

**Sight visibility triangle** shall mean an area between a height of two (2) feet and eight (8) feet above an area at the intersection of two (2) streets, which shall include that portion of public right-of-way and any corner lot within the adjacent curb lines and a diagonal line intersecting such curb lines at points twenty (20) feet back from their intersection, to form a triangle; and shall also mean an area on each side of a driveway where private driveways open into public streets, which shall include that portion of public right-of-way and any portion of lot within the adjacent curb lines and a diagonal line intersecting at points twenty (20) feet long, one (1) of which extends back along the adjacent curb and the other back toward the private property or street, to form a triangle.

**Sign** means any outdoor sign, light, display, device, figure, painting, mural, drawing, message, placard, poster, billboard, handbill, dodger, circular or other thing which is designed, intended or used to advertise, inform, identify, display, direct or attract attention to any object, person, institution, organization, business, product, service, event or location by any means, including words, letters, figures, design, symbols, fixtures, colors, illumination or projected images.

**Sign district** shall mean a specified area parallel to a roadway that creates a corridor in which specific regulations apply. In the case of a district boundary line dividing a property into two parts, the least restricted district sign district shall apply.

**Sign height** shall mean the vertical distance measured from grade at the front of the sign to the highest point of the sign, including the base, support structures, borders, and trim.

**Sign size** shall mean the area enclosed by drawing one (1) or more rectangles of horizontal and vertical lines that fully contain all extremities of the sign drawn to scale, excluding its supports and any open and unenclosed areas between the supports.

**Single-family dwelling** unit shall mean a building containing one (1) dwelling unit that is designed to be occupied by one (1) family.

**Single tenant sign** shall mean a sign displaying advertising for a single business or service entity only.

**Skirt** shall mean concealment from view of the under carriage on all sides of a mobile home and/or manufactured home. Skirting must be accomplished with metal, vinyl or other material approved by the city.

**Solid fence** shall mean any fence constructed of masonry, metal, or wood or any combination of such materials and may be screened with Venetian blinds, plantings or other appropriate materials to obscure visibility. The term solid fence as used herein may include a fence that is constructed with masonry, metal or materials made out of wood or wood derivatives and in good repair without flaws, defects or any conditions impairing or limiting the utility of the fence.

**Static water pressure** shall mean the pressure of water when it is not moving.

**Start of construction** (for other than new construction or substantial improvements under the Coastal Barrier Resources Act (Pub. L. 97-348)), includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within one hundred eighty (180) days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

**State** shall mean the State of Texas.

**Storage lot** shall mean any part or portion of an undivided or divided land, lot(s), area, development or subdivision which is dedicated or designed as a mobile home or manufactured housing storage area and which is used to park or store mobile homes or manufactured housing for later sale, repair or renovation at other locations. If a lot or area is in multiple use unrelated to mobile homes or manufactured housing and a portion thereof is used for storage or the keeping of manufactured housing or mobile homes, where the same are stored, such lot shall be deemed a storage lot and regulated under the terms and provisions of Chapter 3 relating to storage lots.

**Storm sewer** shall mean a public sewer which carries storm water and surface water and drainage and into which domestic wastewater or industrial wastes are not intentionally passed.

**Storm water** shall mean any flow occurring during or following any form of natural precipitation, and resulting from any form of precipitation, including snow melt.

**Storm water discharge associated with industrial activity** shall mean the discharge from any conveyance that is used for collecting and conveying storm water and that is directly related to manufacturing, processing or raw materials storage areas at an industrial plant. The term does not include discharges from facilities or activities excluded from the NPDES program under 40 CFR part 122. For the categories of industries identified in paragraphs (1) through (10) of this definition, the term includes, but is not limited to, storm water discharges from industrial plant yards; immediate access roads and rail lines used or traveled by carriers of raw materials, manufactured products, waste material, or by-products used or created by the facility; material handling sites; refuse sites; sites used for the application or disposal of process waste waters (as defined at 40 CFR part 401); sites used for the storage and maintenance of material handling equipment; sites used for residual treatment, storage, or disposal; shipping and receiving areas; manufacturing buildings; storage areas (including tank farms) for raw materials, and intermediate and finished products; and areas where industrial activity has taken place in the past and significant materials remain and are exposed to storm water. For the categories of industries identified in paragraph (11) of this definition, the term includes only storm water discharges from all the areas (except access roads and rail lines) that are listed in the previous sentence where material handling equipment or activities, raw materials, intermediate products, final products, waste materials, by-products, or industrial machinery are exposed to storm water. For the purposes of this paragraph, material handling activities include the storage, loading and unloading, transportation, or conveyance of any raw material, intermediate product, finished product, by-product, or waste product. The term excludes areas located on plant lands separate from the plant's industrial activities, such as office buildings and accompanying parking lots as long as the drainage from the excluded areas is not mixed with storm water drained from the above described areas. Industrial facilities (including industrial facilities that are federally, state,

or municipally owned or operated that meet the description of the facilities listed in paragraphs (1)-(11) of this definition) include those facilities designated under the provisions of 40 CFR § 122.26(a)(1)(v). The following categories of facilities are considered to be engaging in "industrial activity":

- A. Facilities subject to storm water effluent limitations guidelines, new source performance standards, or toxic pollutant effluent standards under 40 CFR subchapter N (except facilities with toxic pollutant effluent standards that are exempted under category (11) of this definition);
- B. Facilities classified as Standard Industrial Classifications 24 (except 2434), 26 (except 265 and 267), 28 (except 283), 29, 311, 32 (except 323), 33, 3441, 373;

- C. Facilities classified as Standard Industrial Classifications 10 through 14 (mineral industry) including active or inactive mining operations (except for areas of coal mining operations no longer meeting the definition of a reclamation area under 40 CFR § 434.11(1) because the performance bond issued to the facility by the appropriate federal Surface Mining Control and Reclamation Act (SMCRA) authority has been released, or except for areas of non-coal mining operations that have been released from applicable state or federal reclamation requirements after December 17, 1990) and oil and gas exploration, production, processing, or treatment operations, or transmission facilities that discharge storm water contaminated by contact with or that has come into contact with, any overburden, raw material, intermediate products, finished products, by-products or waste products located on the site of such operations; (inactive mining operations are mining sites that are not being actively mined, but which have an identifiable owner/operator; inactive mining sites do not include sites where mining claims are being maintained prior to disturbances associated with the extraction, beneficiation, or processing of mined materials, or sites where minimal activities are undertaken for the sole purpose of maintaining a mining claim);
- D. Hazardous waste treatment, storage, or disposal facilities, including those that are operating under interim status or a permit under subtitle C of the federal Resource Conservation and Recovery Act (RCRA);
- E. Landfills, land application sites, and open dumps that receive or have received any industrial wastes (waste that is received from any of the facilities described under this subsection) including those that are subject to regulation under subtitle D of RCRA;
- F. Facilities involved in the recycling of materials, including metal scrap yards, battery reclaimers, salvage yards, and automobile junk yards, including, but limited to, those classified as Standard Industrial Classification 5015 and 5093;
- G. Steam electric power generating facilities, including coal handling sites;
- H. Transportation facilities classified as Standard Industrial Classifications 40, 41, 42 (except 4221-25), 43, 44, 45, and 5171 which have vehicle maintenance shops, equipment cleaning operations, or airport deicing operations. Only those portions of the facility that are either involved in vehicle maintenance (including vehicle rehabilitation, mechanical repairs, painting, fueling, and lubrication), equipment cleaning operations, airport deicing operations, or which are otherwise identified under paragraphs (1)-(7) or (9)-(11) of this definition are associated with industrial activity;

- I. Treatment works treating domestic sewage or any other sewage sludge or wastewater treatment device or system, used in the storage treatment, recycling, and reclamation of municipal or domestic sewage, including land dedicated to the disposal of sewage sludge that are located within the confines of the facility, with a design flow of one (1.0) mgd or more, or required to have an approved pretreatment program under 40 CFR part 403. Not included are farm lands, domestic gardens or lands used for sludge management where sludge is beneficially reused and which are not physically located in the confines of the facility, or areas that are in compliance with section 405 of the Federal Clean Water Act;
- J. Construction activity, including clearing, grading and excavation activities, except: operations that result in the disturbance of less than one (1) acre of total land area that are not part of a larger common plan of development or sale;
- K. Facilities under Standard Industrial Classifications 20, 21, 22, 23, 2434, 25, 265, 267, 27, 283, 285, 30, 31 (except 311), 323, 34 (except 3441), 35, 36, 37 (except 373), 38, 39, 4221-25, (and which are not otherwise included within categories (2)-(10) of this definition).

**Storm water pollution prevention plan or SWPPP** shall mean a plan required by a permit to discharge storm water associated with industrial activity, including construction, and which describes and ensures the implementation of practices that are to be used to reduce the pollutants in storm water discharges associated with industrial activity at the facility.

**Street** shall mean a public right-of-way, however designated, which provides vehicular circulation and access to adjacent property.

- A. A major thoroughfare means a principal traffic artery or traffic way, usually of more or less continuous routing over long distances, whose function is to serve as a principal connecting street with state and federal highways, and shall include each street designated as a major thoroughfare on the major thoroughfare plan of the city or so designated by the commission and city council. Minimum paving width of a major thoroughfare shall be two (2) twenty-four-foot lanes of paved width measured inside curb to inside curb, with a fifteen-foot median for a four-lane divided roadway; or fifty-one-foot paved width measured inside curb to inside curb for a four-lane undivided roadway. Minimum width of right-of-way shall be one hundred (100) feet.
- B. A collector street means a street whose function is to collect and distribute traffic between major thoroughfares and minor streets. It is not necessarily of continuous routing for long distances, has intersections at grades, provides direct access to abutting property, and shall include each street designated as a collector street on the thoroughfare plan or so designated by the commission and city council. Minimum paving width of a collector street shall be thirty-nine (39) feet measured inside curb to inside curb. Minimum width of right-of-way shall be eighty (80) feet.

- C. A minor street means a street whose function is to provide access to abutting residential property within neighborhoods, with all intersections at grade, and not of continuous routing for any great distance so as to discourage heavy, through traffic and shall include any public street which is not classified as a major thoroughfare or a collector street. Minimum paving width of a minor street shall be thirty-six (36) feet measured inside curb to inside curb. Minimum width of right-of-way shall be sixty (60) feet.
- D. An access street means a public street within or bounding a townhouse or patio home subdivision which serves a townhouse or patio home subdivision and other adjacent property.
- E. An interior street means a public street not more than six hundred (600) feet long within a townhouse or patio home subdivision which is located and designed to serve a limited area within such subdivision and shall not serve other properties outside the subdivision.

**Structure** means, for floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

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

**Substantial damage** means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty (50) percent of the market value of the structure before the damage occurred.

**Substantial improvement** means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure before "start of construction" of the improvement. This includes structures which have incurred "substantial damage," regardless of the actual repair work performed. The term does not, however, include either: (1) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary conditions or (2) Any alteration of a "historic structure," provided that the alteration will not preclude the structure's continued designation as a "historic structure."

**Supervision** shall mean the on-the-job oversight and direction by a licensed irrigator who is fulfilling his or her professional responsibility to the client and/or employer in compliance with local or state requirements. Also a licensed installer working under the direction of a licensed irrigator or beginning January 1, 2009, an irrigation technician who is working under the direction of a licensed irrigator to install, maintain, alter, repair or service an irrigation system.

**Surveyor** shall mean a registered professional land surveyor, as authorized by statutes, to practice the profession of surveying.

**Swooper flag** shall mean a tall, vertical banner-style flag that tapers at the top and is mounted on a flexible pole, allowing it to sway in the wind. It is designed to attract visual attention to a business or event.



**System-related facility** shall mean a capital improvement or facility expansion which is designated in the capital improvements plan and which is not a site-related facility. A system-related facility may include a capital improvement which is located offsite, within, or on the perimeter of the development site.

**TAC** shall mean the Texas Administrative Code.

**TCEQ** shall mean the Texas Commission on Environmental Quality.

**Temporary sign** means any sign intended to be displayed for a limited period of time only, not exceeding ninety-six (96) consecutive hours.

**Tester, certified** shall mean a person who has proven his/her competency to the satisfaction of the department. Each person certified to make competent tests or to repair, overhaul and make reports on backflow preventive assemblies shall be conversant with the applicable laws, rules and regulations. A certified tester must complete and meet all requirements as established by the Texas Commission on Environmental Quality (TCEQ), and hold a valid certificate issued by TCEQ.

**Texas Pollutant Discharge Elimination System** or **TPDES** shall mean the program delegated to the State of Texas by the EPA pursuant to 33 USC § 1342(b).

**Title report** shall mean a report, prepared and executed by a title company authorized to do business in the state, certifying the true owner of the property and describing all encumbrances of record which affect the property.

**To discharge** shall mean to deposit, conduct, drain, emit, throw, run, allow to seep, or otherwise release or dispose of, or to allow, permit or suffer any of these acts or omissions.

**Total suspended solids** or **TSS** shall mean solids that either float on the surface, or are in suspension in, water, wastewater, or other liquids, and which are generally removable by a laboratory filtration device. TSS is expressed in milligrams per liter.

**Townhouse or row house** shall mean a single-family residential unit that shares at least one (1) common or party wall with another unit. There shall be only one (1) such dwelling unit per platted lot. Each unit and the platted lot upon which it stands shall be individually owned, subject to a party wall agreement with the adjacent owner. In addition to individually owned lots as described herein, townhouse developments generally are cluster developments or planned unit developments in which there is land, and in some cases, facilities that are owned in common by all of the townhouse owners within the same subdivision. However, a townhouse or row house shall not include a mobile home, manufactured housing and/or travel trailer.

**Townhouse subdivision** shall mean those developments in which it is proposed to partition land into individual lots and construct townhouses which may be individually owned.

**Tract** shall mean the same as a lot and shall be subject to the same platting requirements.

**Travel trailer** shall mean a vehicular, portable structure on a permanent chassis, designed by the manufacturer to be towed by another vehicle and used as a temporary dwelling, and which meets the definition of "temporary living quarters" or "permanent living quarters" as applicable to its use.

**True Interest Cost** means the interest costs, expressed as a rate, with respect to an issue of obligations determined by that method for calculating yield that takes into account the time value of money and is that discount rate that will equalize the sum of the net present values of the scheduled debt service payments on an issue of obligations to the net proceeds received by the District from such issue (determined by adding to the principal amount of such obligations any premium and accrued interest received by the District and by deducting any original issue discount, underwriter's discount and Cost of Issuance).

**Uncontaminated** shall mean not containing a harmful quantity of any substance.

**USC** shall mean the United States Code.

**Variance** is a grant of relief to a person from the requirement of this chapter when specific enforcement would result in unnecessary hardship. A variance, therefore, permits construction or development in a manner otherwise prohibited by this chapter. (For full requirements, see Section 60.6 of the National Flood Insurance Program Regulations.)

**Verifier** means either an independent public accountant or firm of independent public accountants, or an independent consultant or firm of independent consultants that is nationally recognized and experienced in providing such verification and employed and paid by the District to verify compliance with certain standards and conditions of this Ordinance.

**Violation** means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in Title 44 of the United States Code of Federal Regulations Section is presumed to be in violation until such time as that documentation is provided.

**Wastewater** shall mean a combination of the water-carried waste from residences, business buildings, institutions, and industrial establishments, together with any groundwater, surface water, and storm water that may be present.

**Wastewater facility** shall mean all facilities for collection, pumping, treating, and disposing of wastewater and industrial wastes, including, but not limited to, land or easements, treatment facilities, lift stations, or interceptor mains. Wastewater facility excludes wastewater lines or mains which are constructed by developers, the costs of which are reimbursed from charges paid by subsequent users of the facilities and which are maintained in dedicated trusts. Wastewater facilities also exclude dedication of rights-of-way or easements or construction or dedication of on-site or off-site wastewater collection facilities required by valid ordinances of the city and necessitated by and attributable to the new development.

**Wastewater facility expansion** shall mean expansion of the capacity of any existing wastewater improvement for the purpose of serving new development, not including the repair, maintenance, modernization or expansion of an existing wastewater facility to serve existing development.

**Wastewater treatment plant** shall mean any city-owned facilities, devices, and structures used for receiving, processing and treating wastewater, industrial waste, and sludges from the sanitary sewers.

**Water conservation** shall mean the design, installation, service, and operation of an irrigation system in a manner that prevents the waste of water, promotes the most efficient use of water, and applies the least amount of water that is required to maintain healthy individual plant material or turf, reduce dust, and control erosion.

**Water facility** shall mean improvement for providing water service, including, but not limited to, land or easements, water supply facilities, treatment facilities, pumping facilities, storage facilities, or transmission mains. Water facility excludes water lines or mains which are constructed by developers, the costs of which are reimbursed from charges paid by subsequent users of the facilities and which are maintained in dedicated trusts. Water facilities also exclude dedication of rights-of-way or easements or construction or dedication of on-site or off-site water distribution facilities required by valid ordinances of the city and necessitated by and attributable to the new development.

**Water facility expansion** shall mean expansion of the capacity of any existing water improvement for the purpose of serving new development, not including the repair, maintenance, modernization or expansion of an existing water facility to serve existing development.

**Water, nonpotable** means water which is not safe for human consumption.

**Water, potable** means any water which, according to recognized standards recognized by the city, the Texas Commission on Environmental Quality and the United States Environmental Protection Agency, is safe for human consumption.

**Water, service connection** means the terminal end of the service connection from the public water system at its point of delivery to the user's water system. If a meter is installed at the end of the service connection, then the service connection shall mean the downstream end of the meter. Unprotected takeoffs from the service line will not be permitted upstream of any meter or any backflow prevention device located at the point of delivery to the user's water system. Service connection shall also include water service connection from a fire hydrant and other temporary or emergency water service connections from the public potable water system.

**Water surface elevation** means the height, in relation to the North American Vertical Datum (NAVD) of 1988 (or other datum, where specified), of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

**Waters of the State** shall mean groundwater, percolating or otherwise, lakes, bays, ponds, impounding reservoirs, springs, rivers, streams, creeks, wetlands, marshes, inlets, canals inside the territorial limits of the state, and all other bodies of surface water, natural or artificial, navigable or non-navigable, and including the bed and banks of all watercourses and bodies of surface water that are wholly or partially inside or bordering the state or inside the jurisdiction of the state.

**Waters of the United States** shall mean all waters that are currently used, were used in the past, or may be susceptible to use in interstate or foreign commerce; all interstate waters, including interstate wetlands; all other waters the use, degradation, or destruction of which would affect or could affect interstate or foreign commerce; all impoundments of waters otherwise defined as Waters of the United States under this definition; all tributaries of waters identified in this definition; all wetlands adjacent to waters identified in this definition; and any waters within the federal definition of "Waters of the United States" at 40 CFR § 122.2; but not including any waste treatment systems, treatment ponds, or lagoons designed to meet the requirements of the Federal Clean Water Act.

**Wetland** shall mean an area that is inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

**Zone flow** shall mean a measurement, in gallons per minute or gallons per hour, of the actual flow of water through a zone valve, calculated by individually opening each zone valve and obtaining a valid reading after the pressure has stabilized. For design purposes, the zone flow is the total flow of all nozzles in the zone at a specific pressure.

**Zone valve** shall mean an automatic valve that controls a single zone of a landscape irrigation system.