BUILDING REGULATIONS

SECTION 1. AUTHORITY

The Commissioners Court of Harris County, Texas, acting in its capacity as the governing body of Harris County, Texas, and of the Harris County Flood Control District, adopted these Regulations. These Regulations are authorized by chapters 291 and 292 of the Texas Local Government Code and the Act of May 10, 1937, 45th Leg., R.S., ch. 360, § 1, 1937 Tex. Gen. Laws 714, as amended.

SECTION 2. ADMINISTRATION

Commissioners Court designates the Director of the Harris County Facilities & Property Management Department ("Director of FPM") and his designees, along with the Harris County Sheriff, the Harris County Constables, and their respective deputies, to enforce these Regulations.

SECTION 3. SCOPE AND PURPOSE

The purpose of these Regulations is to create rules and procedures to be followed in the use of buildings, and their surrounding areas, owned or occupied by Harris County, Texas ("County") or the Harris County Flood Control District ("District"). Further, these Regulations are designed to maintain the health and safety of the public and County and District employees, as well as the security and physical integrity of buildings owned or occupied by the County or District.

SECTION 4. DEFINITIONS

The words and terms defined in this section shall have the meanings ascribed unless the context clearly indicates another meaning.

Contract Personnel means an individual who provides services to the County or District under a contract duly authorized and approved by Commissioners Court, and who the Director of FPM has approved for receipt of a County Identification Card. Contract Personnel shall not be so approved by the Director of FPM unless the services to be provided require daily access to the Premises, as defined below, and further, that the failure to obtain such access would significantly impair the Contract Personnel’s performance of the services under the contract with the County or District.

County Identification Card means a valid and unique identification card issued by the Director of FPM to each employee of the County, District, or State of Texas ("State") who requires access to the Secured Premises of one or more County or District buildings. The County Identification Card shall include a photograph of the employee on its face, and shall remain the property of the County or District.

Deadly Weapon means a firearm or anything manifestly designed, made, or adapted for the purpose of inflicting death or serious bodily injury, or anything that in the manner of its use or intended use is capable of causing death or serious bodily injury. The term also includes explosives or items intended to be used to fabricate an explosive or incendiary device.

Director means the employee of the County holding the position of Director of FPM.

Entity means any person, group of persons, organization, corporation, or other legal entity, but does not include the County or District.
**Exempted Person** means an employee of the County, District, or State possessing a valid County Identification Card, and the following persons as defined herein: Contract Personnel, uniformed Fire Protection/Emergency Medical Services Person, Frequent Courthouse Visitor, Peace Officer, and Security Officer. It also means uniformed postal carriers of the United States Postal Service, and any other uniformed delivery personnel approved by the Director of FPM, in the performance of their official duties.

**Fire Protection/Emergency Medical Services Person** means a person employed or appointed as a certified fire protection person by the Texas Commission on Fire Protection under chapter 419 of the Texas Government Code, or as a certified emergency medical services person by the Department of State Health Services under chapter 773 of the Texas Health & Safety Code.

**Firearm** means any device designed, made, or adapted to expel a projectile through a barrel by using the energy generated by an explosion or burning substance or any device readily convertible to that use.

**Frequent Courthouse Visitor** means a person who the Director of FPM has approved for receipt of a County Identification Card in accordance with the Frequent Courthouse Visitors Badge Program found on FPM’s web site at www.hcfpm.net/FCVProgram.

**Material** means signs, placards, banners, leaflets, handbills, papers, flyers, pamphlets, or posters.

**Non-Official Use** means any use other than the official business for which the Public Building and surrounding areas are provided. Such Use includes distribution of literature, solicitation of signatures on petitions, meeting or gathering with others to hear or observe a speech or other communication, and meeting or gathering with others to picket or otherwise express in a nonviolent manner a position on social, economic, political, or religious issues.

**Non-Public Area Within a Public Building** means any area or portion of a Public Building which is primarily used as a work place or otherwise used to conduct official business, which is not open to members of the public, and which is designated as such by a Public Official.

**Official Notices** shall mean those notices which are posted as required by law or which relate to County business and are approved for posting by a Public Official.

**Peace Officer** means a person elected, appointed, or employed as a peace officer under article 2.12 of the Texas Code of Criminal Procedure or other law.

**Person** means a natural person.

**Personal Search** means a search of a person through the use of a hand-held metal detector being moved by hand near the person. If the presence of a metal object is detected thereby, a pat-down search in the area of the person's body indicated by the hand-held detector will be conducted. A male shall conduct a pat-down search of a male, and a female shall conduct a pat-down search of a female.

**Premises** means land and buildings owned by the County or District, or occupied by officials, departments, or employees of the County or District in the regular performance of their official duties, including, but not limited to, any Non-Public Area Within a Public Building, Public Area Within a Public Building, and Public Area Surrounding a Public Building.

**Public Area** means any area within or surrounding a Public Building and ordinarily open to members of the public for use in conducting official business or otherwise facilitating the public
purpose for which the building was designed. Public Area shall not include the traveled portions of any street or road.

Public Area Within a Public Building means any area within the exterior walls of the Public Building, including any area that can be secured or locked.

Public Area Surrounding a Public Building means the area outside the exterior walls of the Public Building and outside any area that can be secured or locked.

Public Building means any building or structure, or part thereof, occupied or controlled by the County or District.

Public Official means any elected or appointed official of the County, District, or State, or a person designated as a department head by Commissioners Court.

Secured Premises means land, facilities, and buildings owned by the County or District, or occupied by officials, departments, or employees of the County, District, or State in the regular performance of their official duties, including, but not limited to, any Non-Public Area Within a Public Building, Public Area Within a Public Building, and Public Area Surrounding a Public Building and in which are located, either permanently or temporarily, one or more magnetometers and/or x-ray machines, installed there at the direction, and with the approval, of Commissioners Court.

Security Officer means a person commissioned as a security officer by the Texas Private Security Board under chapter 1702 of the Texas Occupations Code, if that person: (1) holds all current and valid authorizations required by the Texas Private Security Board to carry a firearm during the performance of his or her duties; (2) is wearing a distinctive uniform; (3) has the handgun in plain view; and (4) is an employee of the County or District or a contractor retained by the County or District for the purpose of providing security in the Non-Public Area Within a Public Building, Public Area Within a Public Building, or Public Area Surrounding a Public Building.

Weapon means those objects defined as weapons or prohibited weapons in chapter 46 of the Texas Penal Code.

Section 5. Firearms or Other Deadly Weapons on Premises

5.1 This section is expressly subject to all applicable local, state, and federal laws, rules, and regulations relating to the possession of Weapons.

5.2 No Person may carry or possess a Firearm or other Deadly Weapon within or on any Premises or Secured Premises, except for the following: a Peace Officer, a Security Officer, a Person authorized in sections 46.035(h-1) and 46.15 of the Texas Penal Code, and to the extent set forth below, a Person licensed to carry a concealed handgun under the authority of subchapter H, chapter 411, of the Texas Government Code.

A Person licensed to carry a concealed handgun under the authority of subchapter H, chapter 411, of the Texas Government Code may carry a concealed handgun under the authority of subchapter H, chapter 411, of the Texas Government Code may transport or store the
firearm or ammunition, that the employee is authorized by law to possess, in a locked, privately owned motor vehicle in a parking lot, parking garage, or other parking area that the County or District provides for employees.

5.3 Notice of this prohibition against Firearms and other Deadly Weapons will be posted on all Premises, and any violation of this prohibition shall be punished as provided by local, state, or federal law, including section 30.05 of the Texas Penal Code.

SECTION 6. ADMISSION TO SECURED PREMISES

6.1 Any Person, other than an Exempted Person, desiring to enter the Secured Premises shall enter through the designated entrance(s) to the Secured Premises and shall be required to pass through a magnetometer (i.e., a metal detector), if one is present. Any Person who activates a magnetometer shall be free to leave the Secured Premises without further search or questioning.

6.2 Any Person who activates a magnetometer and still desires to enter the Secured Premises may remove metal objects from his or her pockets, or on his or her body, and pass through the magnetometer a second time. If the magnetometer is again activated, the Person will not be allowed to enter the Secured Premises unless: (1) the Person gives express consent to a Personal Search; (2) a Personal Search is conducted; and (3) all Weapons are surrendered.

6.3 The Director of FPM shall provide safe storage for items surrendered by Persons entering the Secured Premises when the continued possession of the items would bar entry to the Secured Premises under these Regulations. Those items shall be returned to the Person who surrendered them unless possession of the items is in itself illegal. Illegal items shall be turned over to the Harris County Sheriff or a Harris County Constable for disposition.

6.4 A County or District official, employee, or contractor supervising the operation of the magnetometer may exempt or excuse from all or part of the foregoing screening process a Person having a surgically implanted metal item in his or her body, wearing a prosthetic device, or using a device designated to assist the Person's mobility (including wheelchairs and motorized carts), which is difficult to remove or the removal of which deprives the Person of the mobility needed to move through a magnetometer.

6.5a. Employees of the County, District, or State desiring to enter Secured Premises may enter through the designated employees’ entrance(s) to the Secured Premises, if, before entering, they present to the County or District official, employee, or contractor supervising the operation of the magnetometer his or her County Identification Card for inspection and acceptance. The Director of FPM shall issue a County Identification Card to each employee who requires access to the Secured Premises of one or more County or District buildings as soon as possible after the employee applies for same and the County Auditor certifies the employment status of the employee.

b. Frequent Courthouse Visitors displaying a properly issued County Identification Card that is valid for the current year, and who are desiring to enter Secured Premises may enter at security checkpoints, if before entering they present the County Identification Card for identification and acceptance by the County or District official, or contractor who is controlling entry at the magnetometer.

6.6 Any Person who presents a County Identification Card which is damaged, altered, or does not exhibit clear and distinct features of the cardholder shall not be allowed to enter the Secured Premises without being screened by authorized personnel.
6.7 All packages, briefcases, and other containers in the immediate possession of Persons entering Secured Premises shall be subject to inspection. No Person, other than Exempted Persons, shall be permitted to carry a package, briefcase, or other container into the Secured Premises unless the package, briefcase, or other container has been inspected by authorized personnel to determine that it does not contain a Deadly Weapon.

6.8 One or more signs, as required by section 30.06 of the Texas Penal Code, shall be posted at each designated public entrance to Secured Premises. Likewise, notices prohibiting public entrance to Secured Premises may be posted at those entrances where no public access is permitted.

6.9 The sign(s) posted at each public entrance to a Secured Premises shall give notice that: (1) no Weapons, except those permitted by law, may be brought into the Secured Premises; (2) all persons entering the Secured Premises are subject to search for Weapons; and (3) all packages, briefcases, and other containers are subject to search prior to entering the Secured Premises.

**Section 7. Non-Official Use of Public Areas**

7.1 In accordance with this section, those Public Areas suitable for meetings or gatherings may be made available for Non-Official Use after regular business hours provided such Public Areas are not needed for official business. However, such Non-Official Use may not be scheduled between the hours of 11:00 p.m. and 6:00 a.m.

7.2 Any Entity desiring to meet or gather in such Public Areas for a Non-Official Use shall submit a written request at least ten days prior to the initial proposed use. Each request shall be valid for a period not to exceed ninety days. All requests shall be submitted to the FPM Customer Service Section at 1310 Prairie, Suite 140, Houston, Texas 77002. The request shall provide: (1) the full name, mailing address, e-mail address, and telephone number of the Entity, and the Person representing the Entity, desiring to make the Non-Official Use; (2) a specific description of the Public Area to be used; (3) a general description of the nature of the Non-Official Use (i.e., meeting) and the expected number of participants; (4) the dates and hours during which the Public Area is to be used; and (5) a promise to pay any cleanup or other costs.

7.3 Use is allocated by the County or District on a first-come, first-served basis, and is subject to the availability of the requested Public Area.

7.4 The Public Areas provided herein are primarily for official business, and in the event of a conflict, the need and use for official business shall take priority.

7.5 The County or District reserves the right to preempt or interrupt the scheduled use of the Public Area if the Public Area is needed to conduct official business.

7.6 A Person who makes Non-Official Use of a Public Area Surrounding a Public Building may hold, carry, or display as much material as that Person can hold, carry, or display on his or her Person at all times. Any excess material or any material found in the Public Area after the Person has left shall be removed.

7.7 A Person may use a portable chair or table while holding, carrying, or displaying material, but a Person may not place articles in or on Premises that give the impression of permanent or semi-permanent occupancy or residency (for example, a bed, cot, filing cabinet, sofa, desk, heater, refrigerator, stove, or portable bathroom facilities). Any excess articles shall be removed.
7.8 Activities may not be conducted within 25 feet of an entrance to a Public Building, interfere with or disrupt the conduct of official business, or interfere with the free ingress and egress to the Premises.

Section 8. General Provisions

8.1 Smoking is prohibited in County or District buildings.

8.2 Burning candles, open flames, embers, and smoldering ash are prohibited in County or District buildings.

8.3 Ashtrays are prohibited in County or District buildings.

8.4 The use of extension cords is prohibited in County or District buildings. Only surge protection cords may be used in such facilities.

8.5 Only electrical appliances and fixtures that have been approved for commercial use by a national certifying agency, such as Underwriters Laboratory, may be used in County or District buildings.

8.6 To preclude overloading electrical circuits, the use of electrical appliances or components that have a 600 watt or higher rating (including, but not limited to, heating and cooling devices, microwaves, toasters, refrigerators, spot coolers, and space heaters) in County or District buildings must be approved by the Director of FPM or his designees. Persons must submit to FPM Customer Service a written request using the Electrical Appliance request form found on the FPM website.

8.7 Persons in Public Areas shall at all times comply with all applicable federal, state, county, city, or other local statutes, ordinances, rules, or regulations.

8.8 Activities in Public Areas may not interfere with or disrupt the conduct of official business for which such Public Building and Public Areas are provided.

8.9 Interference with the free ingress and egress to any Premises is prohibited.

8.10 Unless otherwise required by federal, state, county, city, or other local statutes, ordinances, or regulations, or by order of Commissioners Court, all signs and postings affixed to or placed on the grounds, walks, driveways, Public Buildings, and other structures, or on the floor, walls, stairs, or furnishings within a Public Area must be approved in writing by the Director of FPM.

Requests for the affixing or posting of material must be presented in writing to the FPM Customer Service Section at custsvc@fpm.hctx.net or 1310 Prairie, Suite 140, Houston, Texas 77002. The request shall provide: (1) the full name, mailing address, e-mail address, and telephone number of the Entity, and the Person representing the Entity, desiring to affix or post material; (2) a full color image of the posting; (3) a specific location for the posting; (4) the beginning and ending dates of the posting; and (5) a promise to pay any costs associated with the placement, removal, and disposition of the posting, and restoration of the property.

After receiving written approval from the Director of FPM, the materials to be affixed or posted shall be provided to FPM, as only FPM may affix or post such material.
8.11 The Director of FPM shall remove material in or surrounding Public Buildings which is not authorized pursuant to sections 7.6 and 7.7.

8.12 The disposal of rubbish in any manner other than by depositing it in a trash can; the willful destruction of, damage to, or theft of County or District property; the creation of any hazard to Persons or things; the throwing of articles of any kind from or at a Public Building; the climbing upon plant bedding areas, trees, plants, or any part of a Public Building; or skateboarding, rollerblading, or roller-skating on the Premises is prohibited.

8.13 The alteration of any Public Area and the movement of furniture, fixtures, or other public property within or surrounding Public Buildings is prohibited, unless authorized in writing by the Director of FPM, by order of Commissioners Court, or as otherwise provided herein.

All renovations, modifications, and additions must comply with the Facility Standards found on FPM's web site at www.hcfpm.net/facilityStandards. Work requiring approval includes, but is not limited to: (1) construction of new buildings, additions, attachments, or alterations of exterior facades or marquees; (2) underground construction or demolition of piping and other utility lines; (3) interior alterations, including painting, flooring, and/or other repairs; (4) construction or installation of awnings, trellises, carports, or garages; (5) construction or modification of walls, fences, or gates; (6) installation, movement, or modification of exterior parking, directional, or other notifications or signage; and (7) installation or removal of landscaping, including bedding plants, shrubbery, and trees.

Notwithstanding the foregoing, the alteration of County park buildings, community centers, courthouse annexes housing precinct offices, and landscaping at such facilities, may be authorized in writing by the Commissioner in whose precinct such facilities or landscaping are located.

8.14 The assignment of space within a Public Building is controlled by the Director of FPM and Commissioners Court. The initial assignment of space is determined during the design of the Public Building and afterwards by the Harris County Space Planning Committee. Requests for relocation or additional space must be presented in writing to the Space Planning Committee. Occupancy of space within a Public Building is prohibited unless approved in writing by the Director of FPM or by order of Commissioners Court.

8.15 No private Entity may purport to act for or on behalf of the County or District. The County or District may advise the public through signs or announcements that Entities making Non-Official Use of Public Areas are not affiliated with the County or District.

8.16 All costs incurred by the County or District as a result of Non-Official Use of Public Buildings after regular business hours shall be paid by the Entity using the Public Area, including cleanup costs if the Premises are not left in a neat and clean condition.

8.17 The solicitation or sale of goods or services (other than foreclosure, sheriff's, and constable's sales or invited vendors) on public property is prohibited, unless the Entity receives the prior written approval of Commissioners Court.

8.18 Unless authorized by a Public Official, or his or her designee, no Entity shall have access to a Non-Public Area Within a Public Building.

8.19 The unlawful possession of prescription drugs or controlled substances on the Premises is prohibited. "Controlled substances" has the meaning set out in the federal Controlled Substances Act.
8.20 Except as authorized by the County's park rules, the possession or consumption of alcoholic beverages on the Premises is prohibited, unless authorized in writing by the Director of FPM or the Commissioner in whose precinct the Premises are located, or by order of Commissioners Court. When the serving of alcoholic beverages at a non-official function on the Premises is authorized, the Entity holding the function shall (1) comply with all applicable federal, state, county and city laws, ordinances, rules and/or regulations, including those promulgated by the Texas Alcoholic Beverage Commission; (2) use servers who are currently certified by the TABC; and (3) employ and have on site to provide security at least 2 uniformed City of Houston Police Officers, Harris County Sheriff's Deputies, or Harris County Deputy Constables for the first 100 attendees or fraction thereof, and at least one additional such peace officer for each additional 100 attendees or fraction thereof.

8.21 A Person having control over an animal is prohibited from bringing such animal into a Public Building, or permitting such animal to be within a Public Building, unless the animal is owned by the County or District or is a guide/service animal trained for, and accompanying, a Person with a disability.

Section 9. City of Houston Codes and Ordinances

All applicable codes, ordinances, and regulations of the City of Houston where a County or District building is located shall be adhered to during the use of such Premises, including, but not limited to, the following:

9.1 Houston, Tex., Ordinances ch. 21, art. IX prohibits smoking (1) in enclosed public places within the city, (2) in enclosed areas within places of employment, and (3) within 25 feet outside entrances, exits, or wheelchair ramps serving any entrance or exit, operable windows, and ventilation systems of enclosed areas where smoking is prohibited; and requires "No Smoking" signs or the international "No Smoking" symbol to be conspicuously posted in public places and places of employment where smoking is prohibited and at the entrances thereto.

9.2 Houston, Tex., Ordinances ch. 40, art. XVII prohibits any person to place, cause, or allow any impairment or obstruction of a sidewalk or roadway, except as authorized by a permit.

9.3 Houston, Tex., Ordinances ch. 40, art. XX prohibits any person to place, maintain, or cause to be placed or maintained a newsrack on, or projecting on, any public right-of-way without first receiving a permit from the city for the newsrack and affixing a decal evidencing such permit on the newsrack.

Section 10. Codes and Ordinances of Other Municipalities

All applicable codes, ordinances, and regulations of other municipalities where a County or District building is located shall be adhered to during the use of such Premises.

Section 11. Enforcement

The Director of FPM, or his designees, along with the Harris County Sheriff, the Harris County Constables, and their respective deputies, shall be authorized to remove any Person who violates any of these Regulations from the Premises.

Section 12. Severability
The provisions of these Regulations are severable. If any word, phrase, clause, sentence, section, provision, or part of these Regulations should be held invalid or unconstitutional, it shall not affect the validity of the remaining provisions, and it is hereby declared to be the intent of Commissioners Court that these Regulations would have been adopted as to the remaining portions, regardless of the invalidity of any part.

Section 13. Amendments

These Regulations may be amended at any time at the discretion of Commissioners Court.

Section 14. Posting

These Regulations shall be conspicuously posted at or near the entrances to all County or District buildings, and on FPM's web site at www.hcfpm.net.

Section 15. Effective Date

These Regulations shall become effective October 9, 2012. All previously adopted regulations are superseded and repealed effective the same date.