THE STATE OF TEXAS  §

COUNTY OF HARRIS  §

The Commissioners Court of Harris County, Texas, sitting as the governing body of Harris County and the Harris County Flood Control District, convened at a meeting of said Court at the Harris County Administration Building in the City of Houston, Texas, on the ______ day of MAR 08 2011 2011, with the following members present, to-wit:

Ed Emmett  County Judge
El Franco Lee  Commissioner, Precinct No. 1
Jack Morman  Commissioner, Precinct No. 2
Steve Radack  Commissioner, Precinct No. 3
Jerry Eversole  Commissioner, Precinct No. 4

and the following members absent, to-wit: none  constituting a quorum, when among other business, the following was transacted:

ORDER ADOPTING BUILDING REGULATIONS FOR HARRIS COUNTY AND THE HARRIS COUNTY FLOOD CONTROL DISTRICT

Commissioner Lee introduced an order and made a motion that the same be adopted. Commissioner Radack seconded the motion for adoption of the order. The motion, carrying with it the adoption of the order, prevailed by the following vote:

Judge Ed Emmett  Yes  No  Abstain
Comm. El Franco Lee  ☑  ☐  ☐
Comm. Jack Morman  ☐  ☐  ☐
Comm. Steve Radack  ☐  ☐  ☐
Comm. Jerry Eversole  ☐  ☐  ☐

The County Judge thereupon announced that the motion had duly and lawfully carried and that the order had been duly and lawfully adopted. The order thus adopted follows:

IT IS ORDERED that the Building Regulations for Harris County and the Harris County Flood Control District are adopted to be effective April 1, 2011, the Building Regulations being attached hereto and incorporated herein for all purposes.

Presented to Commissioner's Court

MAR 08 2011
APPROVE
Recorded Vo123 Page1/18
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 Division ("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 or District 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 County or District 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 or District 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 policy and procedures found on FPM’s web site at [www.hcfpm.net/FCVProgram](http://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 of Texas, or a person designated as a department head by Commissioners Court.

Secured 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 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 No Person, other than Persons as so authorized in sections 46.035(h-1) and 46.15 of the Texas Penal Code, a Peace Officer, or a Security Officer, may carry or possess a Firearm or other Deadly Weapon within or on any Premises or Secured Premises. Additionally, as to Persons other than those excepted in the first sentence of this subsection, other than at any meeting of the governmental entity, the premises of any government court or offices utilized by the court, the premises of a polling place on election day or during early voting, or the premises where a high school, collegiate, or professional sporting event or interscholastic event is taking place, 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.

5.2 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.

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

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.

6.5 Employees of the County or District 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 County or District 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.

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, of a size and design reasonably calculated to inform the public of a public entrance to a Secured Premises, shall be posted at each designated public entrance to such Secured Premises. Likewise, signs prohibiting public entrance to Secured Premises shall 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 prohibited 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 10:00 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 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 The use of space heaters in County or District buildings is prohibited, unless authorized by the Director of FPM or his designees.

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 The unauthorized affixing or posting of material on the grounds, walks, driveways, Public Buildings, and other structures, or on the floor, walls, stairs, or furnishings within a Public Area is prohibited.

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 by anyone other than a Public Official authorized to take such action is prohibited.

8.14 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.

8.15 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.

8.16 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.

8.17 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.
8.18 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.

8.19 The possession or consumption of alcoholic beverages on the Premises is prohibited, unless authorized by Commissioners Court.

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 March 1, 2011. All previously adopted regulations are superseded and repealed effective the same date.