

STATE OF TEXAS §
 §
COUNTY OF FORT BEND §

ORDER FOR THE ADOPTION OF PROCEDURES FOR THE ABATEMENT OF NEIGHBORHOOD NUISANCES IN FORT BEND COUNTY

WHEREAS, the authority to promulgate and enforce this Order is granted to the Fort Bend County Commissioners Court by Chapter 343, and as amended, of the Texas Health & Safety Code; and

WHEREAS, Fort Bend County desires to establish reasonable and uniform regulations and procedures to abate certain conditions, which are detrimental to the overall health and safety of the citizens of Fort Bend County, to promote and protect the health, safety, and general welfare of the residents of Fort Bend County; and

WHEREAS, the Procedures for the Abatement of Neighborhood Nuisances in Fort Bend County provides procedures addressing the manner in which Fort Bend County may control and abate certain conditions which lead to unsafe neighborhood conditions and are detrimental to the overall health, welfare, and safety of the citizens of Fort Bend County; and

WHEREAS, the foregoing negative acts constitute a harm to the residents of Fort Bend County which the County has a substantial governmental interest in preventing and abating; and

THEREFORE BE IT HEREBY ORDERED, ADJUDGED, AND DECREED BY THE COMMISSIONERS COURT OF FORT BEND COUNTY, TEXAS, THAT THE PROCEDURES ATTACHED HERETO, ENTITLED PROCEDURES FOR THE ABATEMENT OF NEIGHBORHOOD NUISANCES IN FORT BEND COUNTY, ARE MADE A PART OF THIS ORDER AND ARE ADOPTED AS THE PROCEDURES OF FORT BEND COUNTY, EFFECTIVE JANUARY 1, 2026 AND ALL OFFICIALS OF FORT BEND COUNTY HAVING DUTIES UNDER SAID REGULATIONS ARE ORDERED AND DIRECTED TO PERFORM SUCH DUTIES AS REQUIRED OF THEM UNDER SAID REGULATIONS.

PASSED, APPROVED and ORDERED on this the _____ day of December, 2025.

KP GEORGE, COUNTY JUDGE

ATTEST:

Laura Richard, County Clerk
(COMMISSIONERS COURT SEAL)

ATTACHMENT

**PROCEDURES FOR THE ABATEMENT OF NEIGHBORHOOD
NUISANCES IN FORT BEND COUNTY**



AS

**ADOPTED ON DECEMBER 18, 2025
EFFECTIVE ON JANUARY 1, 2026**

FORT BEND COUNTY COMMISSIONERS COURT:

**COUNTY JUDGE, KP GEORGE
COMMISSIONER PCT. 1, VINCENT MORALES
COMMISSIONER PCT. 2, GRADY PRESTAGE
COMMISSIONER PCT. 3, ANDY MEYERS
COMMISSIONER PCT. 4, DEXTER MCCOY**

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PROCEDURES FOR THE ABATEMENT OF NEIGHBORHOOD NUISANCES IN FORT BEND COUNTY

Effective January 1, 2026.

SECTION 1. GENERAL PROVISIONS.

1.1 Authority to Regulate.

- a) The Procedures for the Abatement of Neighborhood Nuisances in Fort Bend County (“the Procedures”) are adopted by the Commissioners Court of Fort Bend County pursuant to the Neighborhood Nuisance Abatement Act, codified in Chapter 343 of the Texas Health and Safety Code (“Code”), and as amended.
- b) These Procedures shall be effective as of January 1, 2026. All previously adopted procedures are hereby superseded and repealed.

1.2 Scope and Purpose.

- a) It is the purpose of these procedures to abate certain conditions which are detrimental to the overall health and safety of the citizens of Fort Bend County in the unincorporated areas of Fort Bend County and to provide procedures on the manner in which the County may control and abate certain conditions in neighborhoods that are detrimental to the overall health, welfare, and safety of the citizens of Fort Bend County.
- b) The procedures provided for herein are not intended, nor shall they be construed, to limit in any way other rights, remedies, penalties or causes of action provided for by law.
- c) The adoption of these procedures does not restrict, limit, or replace any other County authority for abating Public Nuisances.

1.3 Administration.

- a) The Fort Bend County Commissioners Court hereby designates the Public Nuisance Abatement Administrator (“Administrator”), a regularly salaried full-time County employee under the supervision of the Environmental Health Director, to administer this program and the abatement procedures prescribed in these Procedures.
- b) The Administrator shall investigate all complaints of a Public Nuisance in accordance with these Procedures.

1.4 Areas Covered by these Regulations.

Pursuant to Tex. Health & Safety Code Chapter 343, these Regulations apply only to property located in the unincorporated areas of Fort Bend County.

1.5 General Definitions.

The words and terms defined in this Section shall have the meanings described below.

- a) **Abate** means to eliminate or remedy under certain conditions by removal, repair, rehabilitation, demolition, prohibition, control, storage, transportation, disposal, or other means of waste management authorized by Chapter 361 of the Texas Health and Safety Code or other reasonable means necessary as described more specifically in Section 6.1.
 - b) **Administrator** means the Executive Director of the Fort Bend Health and Human Services of Fort Bend County, Texas, or a County employee acting under his/her supervision and control.
 - c) **Building** means a structure built for the support, shelter, or enclosure of a person, animal, chattel, machine, equipment, or other movable property.
 - d) **Flea Market** means an outdoor or indoor market, conducted on non-residential Premises, for selling secondhand articles or antiques, unless conducted by a religious, educational, fraternal, or charitable organization.
 - e) **Garbage** means decayable waste from a public or private establishment or restaurant. The term includes, but is not limited to, vegetable, animal, and fish offal and animal carcasses, but does not include sewage, body waste, or an industrial by-product.
 - f) **Hearing Examiner** means any board, commission, or official designated by the Commissioners Court to conduct a public hearing requested in accordance with these Procedures.
 - g) **Investigator** means a County employee, officer (including a peace officer), or agent authorized by the Administrator to investigate complaints filed under these Procedures.
 - h) **Neighborhood** means a platted subdivision or property contiguous to and within three hundred (300) feet of a platted subdivision.
 - i) **Person** means the owner, lessee, occupant, agent or other person in charge of the Premises or their duly authorized representative, or the individual or entity responsible for causing a Public Nuisance; a Person may include a corporation, organization, business trust, estate, trust, partnership, government or governmental subdivision or agency, or association, and any additional meaning assigned to Person under Section 311.005(2) of the Texas Government Code, and as amended.
 - j) **Platted Subdivision** means a subdivision that has its approved or unapproved plat recorded with the county clerk of the county in which the subdivision is located.
 - k) **Premises** means all privately owned property, including vacant land or a building designed or used for residential, commercial, business, industrial, or religious purposes. The term includes a yard, ground, walk, driveway, fence, porch, steps, or other structure appurtenant to the property.
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- l) **Public Street** means the entire width between property lines of a road, street, way, thoroughfare, or bridge if any part of the road, street, way, thoroughfare, or bridge is open to the public for vehicular or pedestrian traffic.
- m) **Receptacle** means a container that is composed of durable material and designed to prevent the discharge of its contents and to make its contents inaccessible to animals, vermin, or other pests.
- n) **Refuse** means garbage, rubbish, paper, and other decayable and nondecayable waste, including vegetable matter and animal and fish carcasses.
- o) **Rubbish** means nondecayable waste from a public or private establishment or residence.
- p) **Weeds** means all rank and uncultivated vegetable growth or matter that:
 - 1) has grown to more than thirty-six (36) inches in height; or
 - 2) may create an unsanitary condition or become a harborage for rodents, vermin, or other disease carrying pests, regardless of the height of weeds.

SECTION 2. PUBLIC NUISANCE PROHIBITED.

2.1 A Person may not cause, permit, or allow a Public Nuisance.

- a) **A Public Nuisance** is:
 - 1) Keeping, storing, or accumulating refuse on Premises in a neighborhood unless the refuse is entirely contained in a closed receptacle;
 - 2) Keeping, storing, or accumulating rubbish, including newspapers, abandoned vehicles, refrigerators, stoves, furniture, tires, and cans, on Premises in a neighborhood or within three hundred (300) feet of a public street for ten (10) calendar days or more, unless the rubbish or object is completely enclosed in a building or is not visible from a public street;
 - 3) Maintaining Premises in a manner that creates an unsanitary condition likely to attract or harbor mosquitoes, rodents, vermin, or disease-carrying pests;
 - 4) Allowing Weeds to grow on Premises in a neighborhood if the Weeds are located within three hundred (300) feet of another residence or commercial establishment;
 - 5) Maintaining a building in a manner that is structurally unsafe or constitutes a hazard to safety, health, or public welfare because of inadequate maintenance, unsanitary conditions, dilapidation, obsolescence, disaster, damage, or abandonment or because it constitutes a fire hazard;

- 6) Maintaining on abandoned and unoccupied property in a neighborhood a swimming pool that is not protected with:
 - (a) a fence that is at least four feet high and that has a latched and locked gate; and
 - (b) a cover over the entire swimming pool that cannot be removed by a child;
 - 7) *Reserved;*
 - 8) Maintaining a flea market in a manner that constitutes a fire hazard;
 - 9) Discarding refuse or creating a hazardous visual obstruction on:
 - (a) County-owned land; or
 - (b) Land or easements owned or held by a special district that has the Commissioners Court of the County as its governing body;
 - 10) Discarding refuse on the smaller of:
 - (a) The area that spans twenty (20) feet on each side of a utility line; or
 - (b) The actual span of the utility easement;
 - 11) Filling or blocking a drainage easement, failing to maintain a drainage easement, maintaining a drainage easement in a manner that allows the easement to be clogged with debris, sediment, or vegetation, or violating an agreement with the County to improve or maintain a drainage easement; or
 - 12) Discarding refuse on property that is not authorized for that activity; or
 - 13) Surface discharge from an on-site sewage disposal system as defined by Section 366.002.
- b) A Public Nuisance is not:
- 1) a site or facility that is:
 - (a) permitted and regulated by a state agency for activity that meets the definition of a Public Nuisance;
 - (b) licensed or permitted under Chapter [361](#) of the Texas Health and Safety Code for activity that meets the definition of a Public Nuisance; or
 - 2) agricultural land.

SECTION 3. NOTICE REQUIREMENTS.

3.1 The Administrator shall send a Notice to Abate the Public Nuisance (“Notice to Abate”) to:

- a) ~~the owner, lessee, occupant, agent or Person in charge of the Premises; and _____~~

- b) the Person responsible for causing a Public Nuisance on the Premises when:
 - 1) that Person is not the owner, lessee, occupant, agent, or Person in charge of the Premises; and
 - 2) the Person responsible can be identified.

3.2 Each Notice to Abate must contain the following information:

- a) the specific condition that constitutes a Public Nuisance;
- b) the street address or other general description of the Premises on which the Public Nuisance exists;
- c) that the Person receiving the Notice to Abate must abate the Public Nuisance:
 - 1) before the thirty-first (31st) calendar day after the date on which the Notice to Abate is served if the Person has not previously received a notice regarding a nuisance on the Premises; or
 - 2) the tenth (10th) business day after the date on which the Notice to Abate is served, if the Person has previously received a notice regarding a nuisance on the Premises;
- d) that failure to abate the Public Nuisance may result in:
 - 1) abatement by the County;
 - 2) assessment of costs; and
 - 3) the attachment of a lien to the property on which the Public Nuisance exists, if the Person responsible for causing the Public Nuisance has an interest in the property;
- e) That the County may prohibit or control access to the Premises to prevent a continued or future nuisance described by Section 2(a)(1), (6), (9), or (10) (which correlates with Texas Health and Safety Code Section 343.011(c)(1), (6), (9), or (10)); and
- f) That the Person receiving the Notice to Abate is entitled to submit: a written request for a hearing before:
 - 1) the 31st day after the date on which the Notice to Abate is served, if the Person has not previously received a notice regarding a nuisance on the Premises; or
 - 2) the 10th business day after the date on which the Notice to Abate is served, if the Person has previously received a notice regarding a nuisance on the Premises.

SECTION 4. SERVICE OF NOTICES (NOTICE TO ABATE, NOTICE OF HEARING).

- 4.1 The Notice to Abate and the notice for a hearing, when a hearing is requested, (“Notice of Hearing”) shall be served on the Person in the following manner:
- a) in person or by registered or certified mail, return receipt requested; or
 - b) if personal service cannot be obtained or the address of the Person to be notified is unknown, by posting a copy on the Premises on which the Public Nuisance exists and by publishing the notice in a newspaper with general circulation in the County, two times within ten (10) consecutive days.

SECTION 5. AUTHORITY TO ENTER PREMISES.

- 5.1 The Administrator or other County official, or an agent or employee charged with the enforcement of health, environmental, safety, or fire laws may enter any Premises in the unincorporated area of the County at a reasonable time to inspect, investigate, or abate a nuisance, or to enforce these Procedures or Chapter 343 of the Texas Health and Safety Code, as amended.
- 5.2 Before entering the Premises, the individual listed above in Section 5.1 must exhibit proper identification to the occupant, manager, or other appropriate individual.

SECTION 6. INVESTIGATION OF A PUBLIC NUISANCE.

- 6.1 The County may abate a nuisance:
- a) By removal, repair, rehabilitation, or demolition; or
 - b) In the case of a nuisance under Section 2(a) (1), (9), or (10) (which correlates with Texas Health and Safety Code Section 343.011(c)(1), (9), or (10)), by prohibition or control of access to the Premises; or
 - c) In the case of a nuisance under Section 2(a)(6) (which correlates with Texas Health and Safety Code Section 343.011(c)(6)), by: (i) prohibiting or controlling access to the Premises and installing a cover that cannot be opened by a child over the entire swimming pool; or (ii) draining and filling the swimming pool; or
 - d) In the case of a nuisance under Section 2(a)(12) [discarding refuse] (which correlates with Texas Health and Safety Code Section 343.011(c)(12)) by removal, remediation, storage, transportation, disposal, or other means of waste management authorized by Chapter 361 of the Texas Health and Safety Code; or
 - e) In the case of a nuisance under 2(a)(13) [a surface discharge from an on-site sewage disposal system] (which correlates with Texas Health and Safety Code Section 343.011(c)(13)), the County may use any means of abatement reasonably necessary to bring the system into compliance with Chapter 366 only after the defendant fails to abate the nuisance as ordered through a District Court.
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- 6.2 Any individual may file a complaint of a Public Nuisance with the Administrator.
- 6.3 The Administrator shall make a record of all complaints received.
- 6.4 The Administrator shall review the complaint and make a determination based on his or her investigation as to whether a Public Nuisance exists.
- 6.5 If the Administrator determines that a Public Nuisance does not exist, he or she will then close the matter and take no further action thereon.
- 6.6 If the Administrator determines that a Public Nuisance exists, he or she shall serve a Notice to Abate on the owner of the Premises on which the Public Nuisance exists. This Notice to Abate shall comply with Section 3 and be served in the manner described in Section 4 of these Procedures.
- 6.7 After the expiration of thirty (30) calendar days from the date on which the County's Notice to Abate is served, the Administrator shall re-inspect the Premises.

SECTION 7. COMPLIANCE WITH NOTICE TO ABATE.

- 7.1 If after the expiration of thirty (30) calendar days from the date on which the Notice to Abate is served, the Administrator determines that the Public Nuisance has been abated, he or she shall make a record of his/her findings and take no further action thereon.
- 7.2 A Person, upon a request initiated by the Administrator, can after completing a signed "Nuisance Abatement Program Authorization Form", provided by the Administrator, authorize Fort Bend County to abate the Premises and assess a lien against the property for Total Costs as defined in Section 11. Acceptance of a "Nuisance Abatement Program Authorization Form" must be approved by Commissioners' Court.

SECTION 8. NON-COMPLIANCE WITH NOTICE TO ABATE.

- 8.1 If after the expiration of thirty (30) calendar days from the date on which the Notice to Abate is served, the Administrator's re-inspection shows that the Public Nuisance has not been abated and a hearing has not been requested, then the County may proceed to abate the nuisance as described in Section 11.
- 8.2 If the Administrator determines that the Public Nuisance has not been abated and that a hearing has been requested, the Administrator shall follow the procedures set out in Section 9 of these Procedures.

SECTION 9. PUBLIC HEARING BEFORE THE HEARING EXAMINER.

- 9.1 A Person receiving a Notice to Abate under these Procedures is entitled to a public hearing before a Hearing Examiner. Such a request may be made by submission of a written request to the

Administrator by hand delivery to his/her office or by certified mail, return receipt requested within ten (10) business days of receipt of the Notice to Abate.

- 9.2 If a request for a hearing is not timely received by the Administrator, then the right to a hearing shall be waived.
- 9.3 If a hearing has been requested, the County Commissioners shall appoint a Hearing Examiner.
- 9.4 The hearing shall be held within thirty (30) calendar days of the receipt of a request for a hearing.
- 9.5 The Administrator shall send a Notice of Hearing which shall contain the date, time, and place of the hearing to the requester.
- 9.6 The Notice of Hearing shall be served on the owner in the same manner described in Section 4.
- 9.7 The Notice of Hearing shall be provided at least ten (10) calendar days prior to the date of the hearing. The ten (10) calendar day notice requirement may be waived by the Person filing the request for hearing if such waiver is in writing and signed by the Person filing the Request for Hearing.
- 9.8 It shall be the responsibility of the requester to provide a court reporter if necessary for the hearing. A court interpreter will be provided if requested at least fourteen (14) calendar days prior to the hearing.
- 9.9 The requester must be present in person at the hearing unless the Hearing Examiner grants a request for a virtual hearing.
- 9.10 Any interested Person is entitled to appear at a hearing and shall be provided an opportunity to present evidence and argue on their behalf. A Person receiving notice may be represented by legal counsel. The formal rules of evidence do not apply.
- 9.11 All individuals testifying at the hearing shall be under oath.
- 9.12 The Hearing Examiner shall be allowed to question any individual testifying. The Hearing Examiner shall assess the testimony fairly and impartially and in accordance with the law.
- 9.13 Within five (5) business days of the Hearing, the Hearing Examiner shall make a written determination as to whether a Public Nuisance exists and issue a signed Order.
- 9.14 A copy shall be sent to the Administrator, the hearing requester and the property owner by certified mail, return receipt requested.
- 9.15 A Person may appeal the final decision of the Hearing Examiner by filing a petition in a court of competent jurisdiction in Fort Bend County within thirty (30) calendar days after the date of the decision.

SECTION 10. FINDINGS OF THE HEARING EXAMINER.

- 10.1 If the Hearing Examiner finds that a Public Nuisance does not exist, the Administrator will close the case.
- 10.2 Where a Hearing Examiner has found that a Public Nuisance exists, then the requester shall be given an opportunity to abate the Premises within thirty (30) calendar days of receipt of the Order.
- 10.3 Upon the expiration of thirty (30) calendar days from the date that the Person receives a copy of the Hearing Examiner’s Order determining that a Public Nuisance does exist, the Administrator shall inspect the Premises to determine if the Public Nuisance has been abated.
- 10.4 If the Public Nuisance has been abated, then the Administrator shall notify the Hearing Examiner in writing that the Public Nuisance has been abated and take no further action thereon.
- 10.5 If the Public Nuisance has not been abated, the Administrator shall estimate the cost to abate the Public Nuisance and forward the estimate to the Commissioners Court and proceed with Abatement by Order of the Commissioners Court.

SECTION 11. ABATEMENT BY ORDER OF COMMISSIONERS COURT.

- 11.1 Title Opinion.
 - a) The Administrator shall request a title opinion for the property regarding ownership of the Premises on which the Public Nuisance exists.
 - b) If the title opinion reflects an owner other than the Person shown on the Notice to Abate, the Administrator shall serve a Notice to Abate on the Person named as owner in the title opinion. The owner shall then be afforded all of the proceedings initially required to the originally identified Person including time to abate the Public Nuisance and the opportunity for a hearing.
 - 11.2 Cost of Abatement.
 - a) Once the identity of the owner has been confirmed through a Title Opinion,
 - 1) The Administrator shall estimate the cost to abate the Public Nuisance; and
 - 2) The Administrator shall set a public hearing for the Commissioners Court.
 - 11.3 Public Hearing.
 - a) At the public hearing, the Commissioners Court shall:
 - 1) Consider the cost of abating the Public Nuisance including management, remediation, storage, transportation, and disposal costs, and damages and other expenses incurred by the County; and
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- 2) Determine whether or not to order the abatement of the Public Nuisance;
- b) If the Commissioners Court orders the Public Nuisance to be abated they shall issue a written Order for the Administrator to Abate the Public Nuisance which shall specify the Total Costs of Abatement including:
 - 1) the costs of abating the Public Nuisance;
 - 2) the cost of legal notification by publication, if said procedure was utilized;
 - 3) an administrative fee of \$100, on the person receiving Notice to Abate the Premises on which the Public Nuisance exists; and
 - 4) any interest beginning on the thirty-first (31st) calendar day after the date of the assessment against the property. The County is authorized by Section 343.023 of the Texas Health and Safety Code, as amended, to collect 10% interest per year on assessments pursuant to these Procedures.

11.4 Abatement by the County and Lien against Property.

- a) The Administrator shall proceed with abating the Public Nuisance and utilize a contract for abatement services procured in accordance with the County Purchasing Act and any applicable state or federal rules or regulations.
- b) The abatement of the Public Nuisance shall be in compliance with any applicable federal, state, and local laws, rules, procedures, orders and ordinances.
- c) If Commissioners Court has ordered assessment of such costs against the property on which the nuisance exists, the Administrator shall send a request to the County Attorney's Office for the preparation of lien documents in accordance with Section 343.023 of the Texas Health and Safety Code.
- d) The County Attorney's Office shall record the lien in the Official Public Records of Real Property of Fort Bend County. The amount of the lien shall include Total Costs assessed by Commissioners Court. A copy of the lien documents shall be returned to the Administrator after recording.
- e) The County Attorney may file suit to recover the Total Costs assessed.
- f) Upon the satisfaction of any judgment or order issued pursuant to these Procedures, the Administrator is authorized to sign any release or other document, to confirm that said orders or judgments have been complied with. This includes, but is not limited to, releases of liens filed in the Official Public Records of Real Property of Fort Bend County.

SECTION 12. SPECIAL EXCEPTION OR VARIANCE TO PUBLIC NUISANCE CLASSIFICATION.

12.1 The Commissioners Court may:

- a) Describe circumstances in which a special exception to the application of Section 2 is available to a person and may grant the special exception in a specific case if:
 - 1) the Commissioners Court finds that the specific case fits within the special exception; and
 - 2) that the grant of the exception promotes justice; and
 - 3) that the grant of the exception is not contrary to the public interest, and
 - 4) that the grant of the exception is consistent with the general purpose described in Section 2;
- b) Authorize in a specific case not covered by a special exception a variance from the terms of Section 2 if the Commissioners Court makes the same findings in connection with the specific case that it makes in connection with a special exception under Subsection (a) and finds that due to special conditions a literal enforcement of Section 2 would result in an unnecessary hardship.

12.2 The Commissioners Court shall keep a record of its proceedings under this Section and must include in the record a showing of the reasons for each decision made under this Section.

SECTION 13. ADDITIONAL PROVISIONS.

13.1 Severance Clause.

The Commissioners Court hereby declares the adoption of these Procedures and each separate part hereof. Any part of these Procedures held to be invalid shall not affect the validity of the remaining portions.

13.2 Cumulative Effect.

Authority under these Procedures is cumulative of other authority that Fort Bend County has to abate or regulate a Public Nuisance and does not limit that authority.

13.3 Additional Regulations.

In addition to the Procedures listed herein, all Persons must also comply with all state, federal and local law including all other Regulations of Fort Bend County.