

ORDINANCE OF HARRIS COUNTY, TEXAS
REGARDING LICENSING OF JUNKYARDS AND
AUTOMOTIVE WRECKING AND SALVAGE YARDS



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HARRIS COUNTY ENGINEERING DEPARTMENT

DR. MILTON RAHMAN, P.E.
COUNTY ENGINEER

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**ORDINANCE OF HARRIS COUNTY, TEXAS
REGARDING LICENSING OF JUNKYARDS AND AUTOMOTIVE
WRECKING AND SALVAGE YARDS**

PART 1 - ADMINISTRATION AND PRELIMINARY PROVISIONS

SECTION 1.01 – AUTHORITY

This order is adopted by the Commissioners Court of Harris County, Texas acting in its capacity as the governing body of Harris County. The authority of Harris County to adopt this Ordinance is derived from Texas Transportation Code Chapter 396, as amended. This Ordinance may be amended at any time by a majority vote of Commissioners Court.

SECTION 1.02 - AREA COVERED BY ORDINANCE

This Ordinance applies in Unincorporated Areas, as defined below, after the effective date of this Ordinance.

SECTION 1.03 - PURPOSE

The purpose of this Ordinance is to protect public health, safety and welfare.

SECTION 1.04 - CONSTRUCTION OF ORDINANCE

This Ordinance is to be construed liberally to accomplish its purpose and to assure that Harris County complies with all State and Federal Laws.

PART 2 – DEFINITIONS

SECTION 2.01 – APPLICANT

"Applicant" means any person who is preparing or has filed an application for a license pursuant to this Ordinance.

SECTION 2.02 - AUTOMOTIVE WRECKING AND SALVAGE YARD

"Automotive wrecking and salvage yard" means an outdoor place where a person stores three or more vehicles for the purpose of dismantling or wrecking the vehicles to remove parts for sale or for use in automotive repair or rebuilding

SECTION 2.03 - COUNTY ENGINEER

"County Engineer" means the holder of the statutory office of County Engineer for Harris County or the employee(s) designated by the County Engineer to perform a task required by this Ordinance.

SECTION 2.04 - JUNK

"Junk" means copper, brass, iron, steel, rope, rags, batteries, tires, or other material that has been discarded or sold at a nominal price by a previous owner of the material. The term does not include a wrecked vehicle.

SECTION 2.05 - JUNKYARD

"Junkyard" means a place where a business that owns junk, and is operated to store, buy, or sell junk, keeps all or part of the junk outdoors until the business disposes of the junk.

SECTION 2.06 - LICENSE

Unless the context requires otherwise, "License" shall apply to any license issued under this Ordinance, whether for an existing facility or new facility, or whether to an initial license or a renewal license.

SECTION 2.07 - PERSON

"Person" includes, in addition to an individual, a corporation, organization, government or governmental subdivision or agency, business trust, estate, trust, partnership, association, and any other legal entity.

SECTION 2.08 - PROPOSED YARD

"Proposed Yard" means the land to be occupied by a junkyard or automotive wrecking and salvage yard as specified in any license granted pursuant to this Ordinance.

SECTION 2.09 - RECYCLING BUSINESS

"Recycling Business" means a business primarily engaged in the business of:

- (a) Converting metal or other material into raw material products that have (i) prepared grades and (ii) an existing or potential economic value;
- (b) Using raw material products in the production of new products; or
- (c) Obtaining or storing metal or other material for a purpose described in (a) or (b) above

SECTION 2.10 - UNINCORPORATED AREA

"Unincorporated Area" means the area in Harris County, Texas, which is not within an incorporated area of a city, town, village or within 2500 feet of the centerline of the Houston Ship Channel.

SECTION 2.11 - WRECKED VEHICLE

"Wrecked vehicle" means a discarded, junked, damaged, or worn-out automotive vehicle that is not in a condition to be lawfully operated on a public road.

PART 3 - GENERAL PROVISIONS

SECTION 3.01 - ADMINISTRATION BY THE COUNTY ENGINEER

The County Engineer is responsible for the administration of this Ordinance, issuance of licenses required by this Ordinance, enforcement of this Ordinance and maintenance of proper records.

SECTION 3.02 - RESPONSIBILITY OF OTHER OFFICIALS

Under this Ordinance, except as specifically stated otherwise, the County Engineer is responsible for all administrative decisions, determinations and duties. The County Engineer may seek and secure the assistance of other officials of Harris County in making decisions and determinations and in performing the administrative duties.

PART 4 – LICENSES

SECTION 4.01 - LICENSE REQUIRED

No person shall operate a junkyard or automotive wrecking and salvage yard within the unincorporated areas of Harris County without a license under this Ordinance authorizing such operation

SECTION 4.02 - EXCEPTION

This Ordinance does not apply to the following:

- (a) A recycling business;
- (b) A junkyard or an automotive wrecking and salvage yard located entirely in a municipality and subject to regulation by the municipality; or
- (c) A junkyard or an automotive wrecking and salvage yard in operation before June 1, 1987.

SECTION 4.03 - APPLICATION AND APPROVAL PROCEDURE FOR LICENSE

- (a) The application for a license must be on a form prescribed by the County Engineer.
- (b) After the application is filed, the County Engineer shall review the proposed location and development to assure that all reviews or approvals required by other County regulations and requirements of the Harris County Flood Control District applicable to the junkyard or automotive wrecking and salvage yard have been met.

- (c) Once a preliminary determination is made that the application meets all reviews and approvals required by other County regulations and requirements of the Harris County Flood Control District applicable to the junkyard or automotive wrecking and salvage yard, the County Engineer will set a period of time to accept public comments and hold a public hearing to hear any comments on the application. All testimony from the public hearing will be recorded. Prior to the public hearing, the following shall occur:
- i) Within five (5) days of notice of the preliminary determination, the Applicant shall post an outdoor sign at the proposed location stating that an application to operate a junkyard or automotive wrecking and salvage yard is pending before Harris County, provide the name of the Applicant, the Harris County Project No., and contact information for Harris County Engineering. The sign must be readable from the nearest public right of way and shall be in English, Spanish and any other language Harris County deems necessary. After the preliminary determination, the sign must remain posted during the remainder of the Harris County permitting process. Within one day of posting, the Applicant shall submit a photograph of the sign and a drawing showing the location of the sign to Harris County.
 - ii) At least thirty (30) days before the public hearing, the Applicant shall mail a notice of public hearing to all property owners within 1,000 feet radius of the proposed location. The Applicant will be provided a list of property owners requiring notice by mail. The hearing notice shall be in a format approved by the County Engineer and in English, Spanish and any other language Harris County deems necessary. Within five (5) days of mailing of the notice by first class mail to all property owners, the Applicant shall submit an affidavit verifying mailing to all required property owners.
 - iii) The County Engineer may provide additional public notice of the hearing by posting on approved social media outlet.
- (d) Harris County Engineering shall consider all comments received at the public hearing and during the comment period and shall, as necessary, conduct follow-up investigations, record reviews and/or coordinate with other Harris County Departments to determine whether the application meets all applicable County requirements. Any Harris County Department shall respond within 15 days for any request for coordination, record review or investigation.
- (e) In determining whether an application meets all applicable County requirements, the County Engineer may require the submission of additional information, specifications, or documents if he is unable to determine whether a license should be issued from the information submitted.
- (f) Once the County Engineer determines that an application meets all applicable County reviews and County regulation requirements, the County Engineer shall issue a License for the location.

SECTION 4.04 - LICENSE REQUIREMENTS FOR NEW FACILITY

- (a) A License for New Facility under this Ordinance is required for the following facilities, each of which being herein called a "New Facility".
 - i) Any junkyard or automotive wrecking and salvage yard that begins business operations after January 1, 2010; and
 - ii) All automotive wrecking and salvage yards that enlarge by any amount the size of the working or storage area of the junkyard or automotive wrecking and salvage yard.
- (b) A License for New Facility shall be in effect for one (1) year.
- (c) The County Engineer shall consider an application for a License for New Facility for a junkyard or automotive wrecking and salvage yard in the manner authorized by Texas Transportation Code, Section 396.041. For new automotive wrecking and salvage yards subject to this Section, a License for New Facility may be approved and issued only after the location requirements are satisfied.
- (d) The requirements for a License for New Facility are found in Part 6 and 7.

SECTION 4.05 - LICENSE REQUIREMENTS FOR EXISTING FACILITY

- (a) A License for Existing Facility is required for all junkyards or automotive wrecking and salvage yards that began business operations after June 1 , 1987 but prior to January 1, 2010, each of which being herein called an "Existing Facility".
- (b) A License for Existing Facility shall be in effect for one (1) year.
- (c) The County Engineer shall approve an application for a License for Existing Facility after a determination that the following location requirements are satisfied:
 - i) The location of the junkyard or automotive wrecking and salvage yard does not create a hazard to the environment;
 - ii) The location of the junkyard or automotive wrecking and salvage yard shall not be detrimental to public health, safety or welfare;
 - iii) If the facility is a junkyard, the location of the junkyard is not within fifty (50) feet of the right-of-way of a public street, state highway, or residence;
 - iv) If the facility is an automotive wrecking and salvage yard, that the facility was not established within 300 feet of an existing church, school, or residence, provided that the proximity requirement shall not apply to a residence owned by the same person as the person that owns the junkyard or automotive wrecking and salvage yard;
 - v) All reviews and/or approvals required by other Harris County and Harris County Flood Control regulations applicable to the development of the site have been met;

vi) The facility must be in compliance with all applicable statutory screening requirements in Chapter 397 of the Texas Transportation Code; and

vii) The facility must be compliance with Part 7.

- (d) With regard to the distance requirements in above, the burden is on the operator to prove that any church, school, residence currently within 300 feet of the facility was constructed after the facility was established.

SECTION 4.06 - LICENSE RENEWAL REQUIREMENTS

Upon receipt of an application for renewal of a License, the County Engineer may issue a renewal License, effective for one year after the termination of the prior License, if all requirements applicable to the issuance of the License being renewed continue to be met, the facility is in compliance with Part 7 and has passed an annual fire and life safety inspection conducted by the Harris County Fire Marshal's Office using the current adopted Harris County Fire Code, pursuant to Texas Local Government Code Chapter 233 and 352. In addition,

- (a) The location in the renewal application is the same land area and geographic location as previously approved by the County Engineer for the License being renewed.
- (b) The License has not been revoked and is not suspended or expired on the date of application.
- (c) The junkyard or automotive wrecking and salvage yard is in operation on the date of application for renewal.

SECTION 4.07 - REQUEST FOR EXEMPTION

A person desiring an exemption from compliance with any provision of these rules shall:

- (a) File a written request with the County Engineer stating the nature of the exemption requested;
- (b) State the reason that justifies the granting of an exemption; and
- (c) Provide any additional information that the County Engineer requests.

Upon receipt of a valid request:

- (a) The County Engineer shall notify the Commissioners' Court of the request for exemption.
- (b) The Commissioners' Court shall review the request and notify the person, in writing, of its decision.

If the request is denied, the Commissioners' Court shall include the reason(s) for the denial in the notice.

PART 5 - ISSUANCE OF INITIAL LICENSES AND RENEWAL OF LICENSES

SECTION 5.01 - ISSUANCE OF LICENSES

Under the conditions established in this Ordinance, the County Engineer shall issue licenses and renewals in accordance with this Ordinance.

SECTION 5.02 - INITIAL LICENSES

Initial licenses may be issued by the County Engineer upon receipt of the prescribed fee and a completed application only if the County Engineer has approved the location of the junkyard or automotive wrecking and salvage yard.

SECTION 5.03 - LICENSES FOR INCREASE IN LAND AREA \ CHANGE IN LOCATION

Licenses for an increase in land area of the location or for a change in location or other modification may be issued by the County Engineer upon receipt of the prescribed fee and a completed application only if the County Engineer has approved the location of the junkyard or automotive wrecking and salvage yard.

SECTION 5.04 - ANNUAL RENEWAL OF LICENSES

After the initial license has been issued by the County Engineer, the County Engineer shall renew the license after receipt of the prescribed fee and completed application, provided that all requirements of this Ordinance in regard to such issuance have been met.

SECTION 5.05 – REQUIRED FIRE AND LIFE SAFETY INSPECTION

Prior to licensing or renewal, the location must pass an annual fire and life safety inspection conducted by the Harris County Fire Marshal's Office pursuant to Texas Local Government Code Chapter 233 and 352.

SECTION 5.05 - POSTING OF LICENSES

All license holders must post the license on the site in a manner visible to the public.

PART 6 - REQUIREMENTS FOR NEW FACILITIES

SECTION 6.01 - APPLICABILITY

Part 6 applies to a junkyard or automotive wrecking and salvage yard seeking or operating under a license for a New Facility.

SECTION 6.02 - SCREENING REQUIREMENTS

A person who operates a junkyard or automotive wrecking and salvage yard shall screen the automotive wrecking and salvage yard with a solid barrier fence at least eight feet high. The fence must be painted a natural earth tone color and may not have any sign appear on its surface other than a sign indicating the business name.

SECTION 6.03 EXCEPTION TO - SCREENING REQUIREMENTS

The screening requirement does not apply to the following:

- (a) A recycling business;
- (b) A junkyard or an automotive wrecking and salvage yard located entirely in a municipality and subject to regulation by the municipality.

SECTION 6.04 - CONSTRUCTION AND MAINTENANCE OF SCREENING

- (a) A fence shall be constructed and maintained so that the outer surface is continuous and without spaces.
- (b) The fence shall be constructed of wood, masonry, corrugated sheet metal, chain link, or a combination of those materials. Any one side of the fence may be constructed of only one of those materials.
- (c) A chain link fence must be galvanized and have wood or metal slats or strips that run through all links of the fence.
- (d) A properly constructed and maintained chain link fence with slats or strips complies with Subsection (a).
- (e) The fence must extend downward to within three inches of the ground and must text plumb and square at all times.

SECTION 6.05 - WALL OR DOOR AS PART OF FENCE

A fence may consist in whole or in part of a wall and door of a completely enclosed building on the premises if the wall or door is constructed and maintained as required for a fence.

SECTION 6.06 - GATE REQUIRED

- (a) Each opening in a fence that is necessary to permit reasonable access to a junkyard or automotive wrecking and salvage yard shall be equipped with a gate. The gate shall be constructed and maintained in accordance with the requirements for a fence.
- (b) A gate shall be closed and securely locked at all times except during normal daytime business hours.

SECTION 6.07 - DISPLAY OR OUTSIDE FENCE PROHIBITED

An owner or operator of a junkyard or automotive wrecking and salvage yard or that person's agent or employee may not display, store, or work on a junked or wrecked automotive vehicle or a part, accessory, or junk from the vehicle outside or above the

SECTION 6.08 - LOCATION OF YARD

- (a) A junkyard or automotive wrecking and salvage yard that is established on or after January 1, 2010, and before September 1, 2013, may not be established within 300 feet of an existing church, school, residence, or residential subdivision, such distance being measured beginning at the wall of the church, school, or a residence (single family home, duplex, apartment, townhouse or mobile home), or the property line of a residential subdivision that is closest to the yard and ending at the fence required by this ordinance, provided that the restriction in regard to proximity to a residence does not apply in regard to a residence owned by the same person that owns the yard. A junkyard or automotive wrecking and salvage yard that is established on or after September 1, 2013, may not be established within 600 feet of an existing church, school, residence, or residential subdivision. Additionally, a junkyard or automotive wrecking and salvage yard established on or after June 1, 2021, may not be within 600 feet of an existing park, hospital, nursing home, or within 150 feet of any public or private drinking water well.
 - (i) The burden is on the operator to prove that any church, school, residence, park, hospital, nursing home currently within 300 or 600 feet of the facility, as applicable, was constructed after the facility was established.
- (b) A junkyard or automotive wrecking and salvage yard may not be located within 50 feet of the right-of-way of a public street or state highway.
- (c) A junkyard or automotive wrecking and salvage yard may not be located within the 1% (100-year) or 0.2% (500-year) floodplain or floodway.
- (d) The location of the automotive wrecking and salvage yard shall not be detrimental to public health, safety or welfare and shall meet the minimum requirements in Part 7.
- (e) The location of the automotive wrecking and salvage yard shall not create a hazard to the environment and shall meet the minimum requirements in Part 7.
- (f) The location of the automotive wrecking and salvage yard shall not be within one thousand five hundred (1500) feet of any downstream lake, river, creek, tributary or pond. The term "pond" shall not refer to a detention pond.

- (g) The location of the automotive wrecking and salvage yard shall not be within 150 feet of any public or private drinking water well.

Compliance with these minimum standards does not guarantee a license will be issued. Issuance of a license is conditioned upon the operation of the automotive wrecking and salvage yard ONLY at a location approved by the County Engineer.

PART 7 – REQUIREMENTS FOR EXISTING AND NEW FACILITIES

SECTION 7.01 – PREMISE IDENTIFICATION

A premise identification sign shall be installed that is legible and placed in a position that is clearly identifiable and visible from the street or road fronting the property on which the junkyard or automotive wrecking and salvage yard is located. The address identification characters shall contrast with their background and address numbers shall be Arabic numbers or alphabetical letters. Numbers shall not be spelled out. Each character shall be not less than 4 inches (102 mm) high with a minimum stroke width of 1/2 inch (12.7 mm). Address identification shall be maintained.

SECTION 7.02 – FENCING REQUIREMENTS

Any junkyard or automotive wrecking and salvage permitted after June 1, 2021, shall construct and maintain the facility fence so that the fence has full contact with the ground and has no gaps between the bottom of the fence and the ground. The fence shall include a footer that goes at least 6 inches under the ground.

SECTION 7.03 – ACCESS ROAD

The junkyard or automotive wrecking and salvage yard shall have at least one approved driving surface capable of supporting the imposed load of a fire apparatus weighing up to 75,000 pounds and a gate that shall provide access for fire apparatus and emergency responders to all parts of the junkyard or automotive wrecking and salvage yard. The fire apparatus and emergency responders must be able to access all parts of the yard. The access road and gate to the property shall have an unobstructed width of not less than 20 feet and shall be equipped with a county approved Knox[®] lock.

SECTION 7.04 – FIRE EXTINGUISHERS

The junkyard or automotive wrecking and salvage yard shall be equipped with portable fire extinguishers throughout the property and shall be located and visible along all the normal paths of travel in accordance with the National Fire Protection Association Code (NFPA) 10. All fire extinguishers shall be selected, installed and maintained in accordance with the NFPA 10.

SECTION 7.05 – CUTTING, WELDING OR OTHER HOT WORKS OPERATIONS

Any junkyard or automotive wrecking and salvage yard that conducts cutting, welding, or other hot work operations shall obtain an operational permit under the Harris County Fire Code.

SECTION 7.06 – STORMWATER POLLUTION PLAN (SWP3)

Any junkyard or automotive wrecking and salvage yard shall develop and implement a SWP3 prior to submitting an Application. The SWP3 is subject to review and approval by Harris County Pollution Control and must include, at a minimum:

- (a) a drainage area site map compliant with the requirements of Texas Commission on Environmental Quality General Permit No. TXR050000, as amended, that depicts the following: the location of each outfall and the location of each sampling point; an outline of the facility's drainage area that shows the direction of the stormwater flow and the location of all stormwater conveyances that drain to each permitted outfall; connections of discharges to the MS4(s); locations of all structures and impervious structures; structural control devices designed to reduce pollution on stormwater runoff; the surface area of the facility or a clear scale such that the approximate surface area can be calculated; locations of all receiving waters and information as to whether they are impaired or have established TMDLs, vehicle and equipment maintenance areas; physical features of the site that may influence stormwater runoff or contribute a dry weather flow; location and description of all non-stormwater discharges, locations where reportable quantity spills or leaks have occurred during the three (3) years before the initial or renewal application is submitted to Harris County; locations and sources of runoff to the site from adjacent properties that contain significant quantities of pollutants; process, storage and material loading/unloading areas; and additional locations where significant materials are exposed to precipitation or runoff. A series of maps must be developed if the amount of information would cause a single map to be difficult to read and interpret;
- (b) fluids and fluid containing wastes including, but not limited to oil, oil filters, anti-freeze, gasoline, diesel fuel, hydraulic fluids, transmission fluids, spent solvents, radiator fluids, degreasers, and radiator fluids, are required to be stored in an impervious, impenetrable container and have adequate secondary containment;
- (c) removal of mercury switches and batteries as soon as possible, but no later than 5 days upon receipt of a vehicle and storage of removed mercury devices in an impervious, impenetrable secondary container;
- (d) installation of a consolidated processing area where all fluids are drained, that is covered and bermed, and has an impermeable concrete surface that is equipped with a drain and sump system;

- (e) berms, curbing or dikes around vehicle, part, and equipment storage areas; and
- (f) treatment of stormwater discharge with oil/water separators.

PART 8 -- REVOCATION OR SUSPENSION OF LICENSE

SECTION 8.01 - SUSPENSION OF LICENSE - SCREENING REQUIREMENT

If a junkyard or automotive wrecking and salvage yard is not screened in compliance with all statutory requirements and this ordinance, the County Engineer shall suspend the license for that junkyard or automotive wrecking and salvage yard. The suspension shall continue until the junkyard or automotive wrecking and salvage yard is screened in compliance with all statutory requirements and this ordinance.

SECTION 8.02 - REVOCATION OF LICENSE

If the license of a junkyard or automotive wrecking and salvage yard has been suspended for more than 14 days and the operation of the junkyard or automotive wrecking and salvage yard has not been brought into compliance with these rules, the license shall be automatically revoked.

SECTION 8.03 - NOTICE OF REVOCATION

If the license of a junkyard or automotive wrecking and salvage yard is suspended or revoked pursuant to this Ordinance, the County Engineer shall give written notice of that revocation to the license holder via certified mail, return receipt requested to the business address given by the license holder in its application.

SECTION 8.04 - HEARING ON REVOCATION

The applicant or current holder of a revoked license may have a hearing before the Commissioners' Court on the revocation, if a request for a hearing is made in writing to the County Judge within 30 days of receipt of notice of revocation. The hearing on the revocation shall be set by the County Judge as soon as practicable before either the County Judge or a Hearing Examiner appointed by the County Judge. After the hearing the County Judge or the appointed Hearing Examiner shall issue a decision either upholding the revocation or reinstating the license. If such a request for a hearing is not made in writing to the County Judge within 30 days of receipt of the notice of revocation, the applicant shall not be entitled to seek reinstatement of the license, and further operation will require application and approval of a new license in the manner required by this Ordinance for licensing a New Facility.

PART 9 – ENFORCEMENT

SECTION 9.01 - ENFORCEMENT

A person commits an offense if the person operates a junkyard or automotive wrecking and salvage yard in violation of this Ordinance. Transportation Code §396.045 provides such violation is a misdemeanor punishable by a fine of not less than \$100 and not more than \$500 and that each day a violation continues is a separate offense. The punishment is set by statute, and if such statute is amended, the amended punishment shall apply.

A junkyard or automotive wrecking and salvage yard which is not screened, or which is operated at a location other than that approved by the County Engineer may have its license suspended or revoked. Harris County is entitled to an injunction to prohibit a violation or threatened violation of this ordinance.

Nothing in these regulations should be construed as limiting authority to pursue other remedies and punishments that may be available under law for violations of these regulations that are violations of other laws or for violations of other laws or regulations by a person subject to these regulations.

SECTION 9.02 VIOLATION OF CONDITIONS OF ORDINANCE

Any person having knowledge of a violation of this Ordinance may file a complaint with the County Engineer.

PART 10 - FORMS AND RECORDS

Forms to be used in the administration of this Ordinance shall be promulgated by the County Engineer.

PART 11 – FEES

Upon approval of an application for issuance, renewal or modification of a license in accordance with the terms and conditions of this Ordinance, a non-refundable fee of \$500 is required before issuance and effectiveness of the license. Each license or annual renewal fee received shall be deposited to the general fund in accordance with Texas Transportation Code § 396.041(d).

The Applicant will be required to pay any applicable fees for an annual fire and life safety inspection in accordance with the schedule as established by Harris County Commissioners Court under Texas Local Government Code Chapter 233 and 352.

PART 12 - SEVERABILITY AND CONSTRUCTION

The provisions of this Ordinance are severable. If any word, phrase, clause, sentence, section, provision, or part of this Ordinance should be invalid or unconstitutional, it shall not affect the validity of the remaining portions and it is hereby declared to be the intent of the Commissioners Court that this Ordinance would have been adopted as to the remaining portions, regardless of the invalidity of any part. In the event that any provision of this Ordinance might be interpreted in such a way as exceeding the County's authority, such provision should be construed to apply only to the extent authorized by law.