



Harris County Public Infrastructure Department  
Architecture & Engineering Division - Permits

JOHN R. BLOUNT, P.E.  
DIRECTOR

# Raising Standards in the Floodplain

## ENFORCEMENT: FROM THE COMPLIANCE MANAGER'S POINT OF VIEW

Presented by

**Raymond Anderson, PE, CFM**

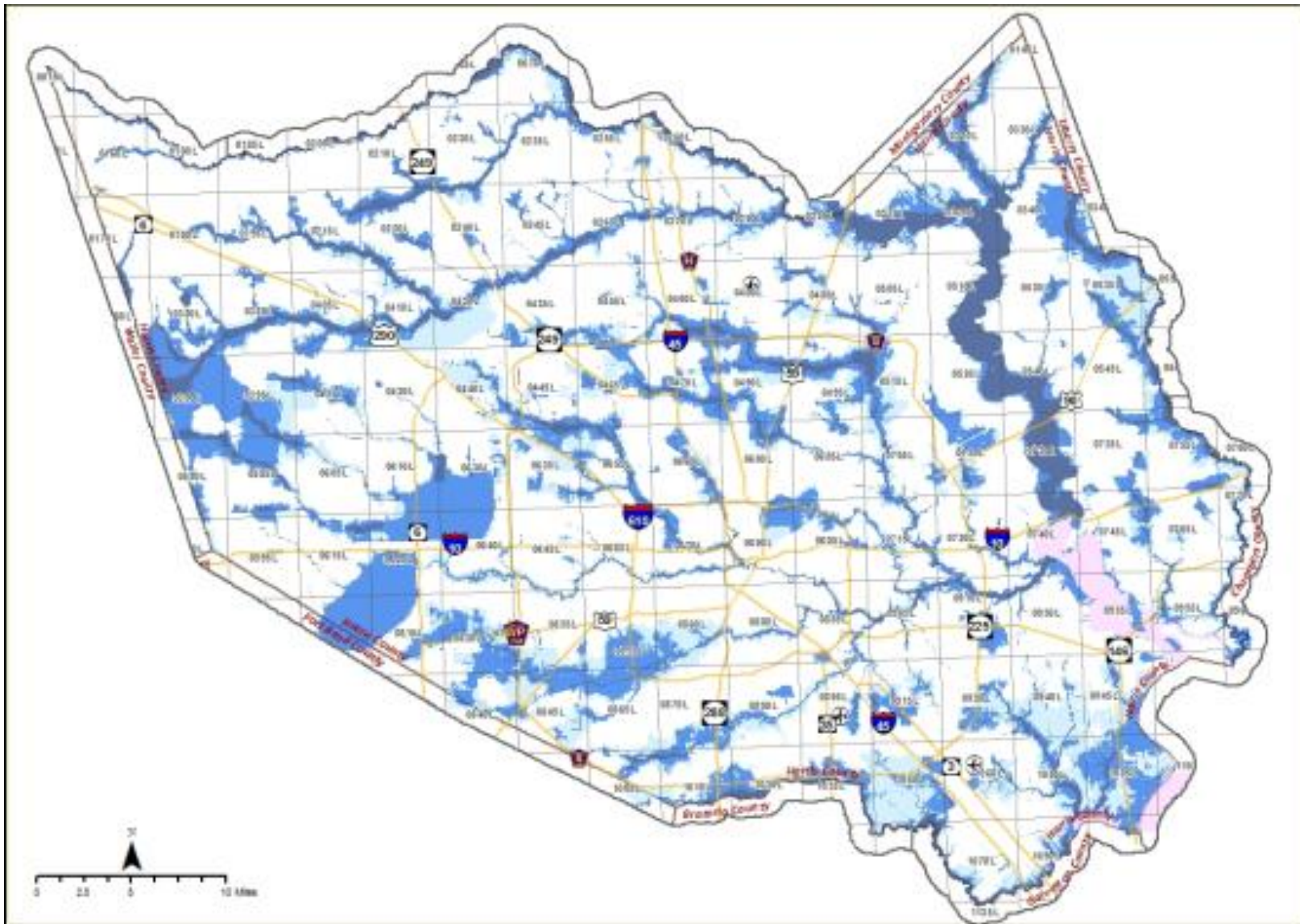
Harris County Public Infrastructure Department  
Architecture and Engineering Division - Permits Group

June 18 2010

# HARRIS COUNTY REGULATIONS

- Floodplain Management Regulations
- On-site Sewage Facilities Regulations
- ETJ (Extraterritorial Jurisdiction) Sign Regulations
- Toll Road Sign Regulations
- Construction in Harris County or HCFCD ROW Regulations
- Driveway/Culvert Regulations
- Fire Code Regulations
- Infrastructure (Subdivision) Regulations
- Harris County Road Law
- Water Well Regulations
- Storm Water Quality Regulations
- Communication Facility Structures (Cell Towers) Regulations
- Automobile Salvage Yards/Junk Yard Ordinance





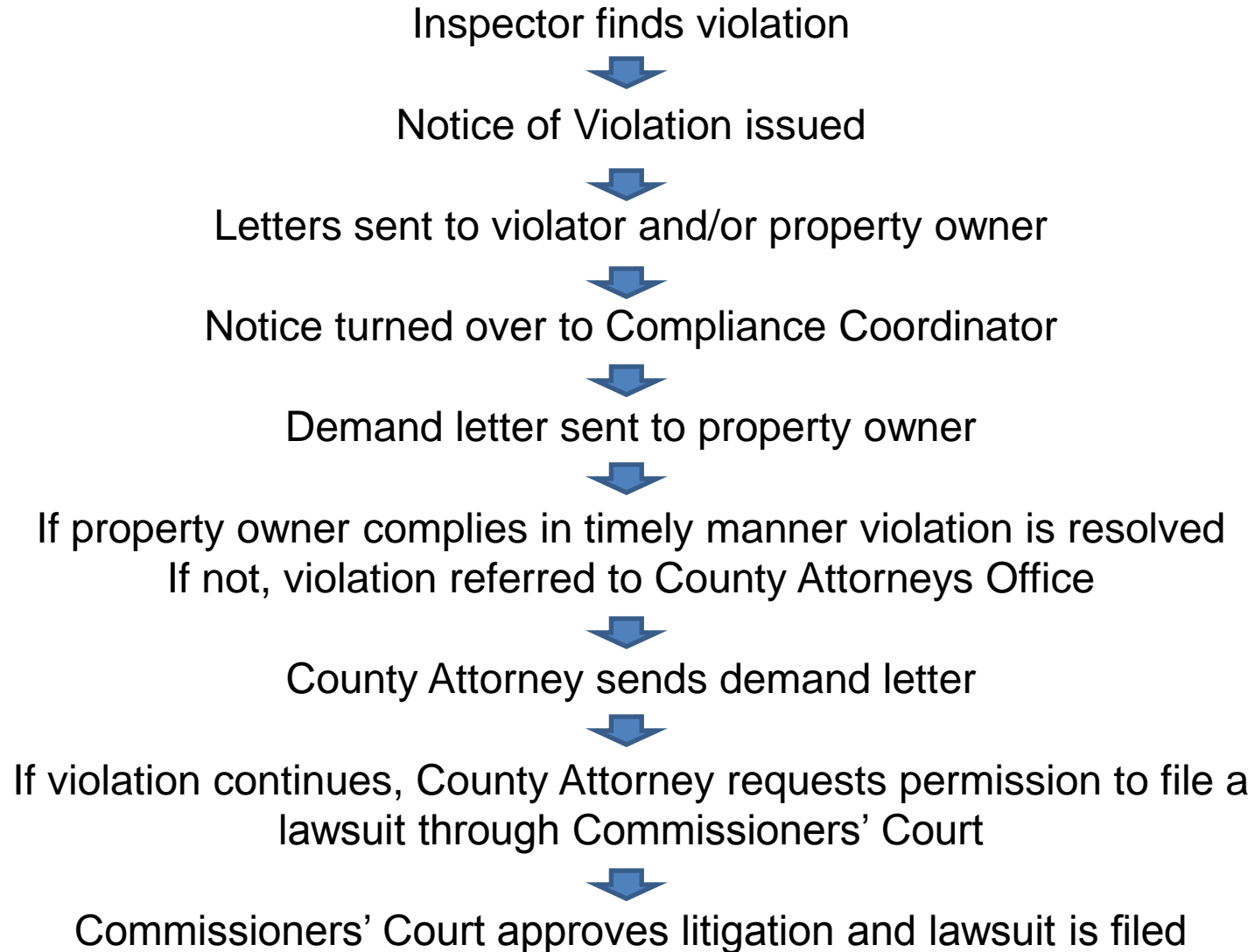
# FLOODPLAIN REGULATIONS

## SECTION 7.01 - ENFORCEMENT

If any person violates any provisions of these Regulations the County Engineer may notify the County Attorney and direct him to take whatever action is necessary to remedy the violation, including but not limited to filing suit to enjoin the violation and submitting a request to FEMA for denial of flood insurance. If a violation continues, Harris County may file a Certificate of Non-Compliance in the Real Property Records of Harris County. Once the violation has been resolved any individual may request a Certificate of Compliance be filed in the Real Property Records of Harris County. A fee for this action will be charged in accordance with Section 8.04 of these Regulations. The violator shall bear this and all other costs of effecting compliance.



# ***THE ENFORCEMENT PROCESS***



***What information needs to be collected to present a successful floodplain violation case?***



## HARRIS COUNTY

PUBLIC INFRASTRUCTURE DEPARTMENT  
ARCHITECTURE AND ENGINEERING DIVISION

10555 Northwest Freeway  
Suite 120  
Houston, Texas 77062  
(713) 956-3000

### NOTICE OF VIOLATION

- Regulations of Harris County, Texas, for Flood Plain Management
- Regulations of Harris County for the Construction of Driveways and Culverts on County Easements and Rights of Way
- Regulations of Harris County for the Placement of Signs Visible from the Main-Travelled Way of a Toll Road Within Harris County, Texas
- Regulations of On-Premise Signs in the Area of Municipal Extrajurisdictional Jurisdiction in Harris County

In accordance with Regulations adopted by Harris County Commissioners' Court, you are hereby notified to obtain the appropriate permit from the Harris County Engineer prior to commencing construction. Any corrective work required by plans approved in connection with the issuance of permit must first be completed before continuing with new construction.

**This Department will delay the referral of this violation to the Harris County Attorney for ten (10) days from the date shown hereon. This delay will allow you the time required to abate the violation. CONSTRUCTION MUST CEASE UNTIL A PERMIT IS OBTAINED AND POSTED ON THE JOBSITE.**

### PROPERTY INFORMATION

STREET NUMBER & NAME \_\_\_\_\_

SUBDIVISION NAME \_\_\_\_\_ SEC \_\_\_\_\_ BLK \_\_\_\_\_ LOT \_\_\_\_\_

SURVEY NAME \_\_\_\_\_ ABSTRACT NUMBER \_\_\_\_\_

### CERTIFICATE OF SERVICE

On \_\_\_\_\_, I personally served \_\_\_\_\_  
the owner and possessor of the property listed above with the foregoing NOTICE OF VIOLATION  
indicated by:

( ) Posting the original copy on \_\_\_\_\_

( ) Hand Delivering the original to \_\_\_\_\_

( ) Other \_\_\_\_\_

( ) Appropriate application form(s) were left on site

\_\_\_\_\_  
Inspector's Signature

\_\_\_\_\_  
Inspector's Name (printed)





FIELD OPERATIONS-INSPECTOR'S FIRST REPORT

ADDRESS: \_\_\_\_\_

Violation No. \_\_\_\_\_ Permit No. \_\_\_\_\_

CONSTRUCTION INFORMATION			
FLOOD PLAIN REGULATIONS	PRIVATE SEWERAGE FACILITY RULES	DRIVEWAY/CULVERT REQS.	TOLL RD. & ETC SIGN REQS.
<input type="checkbox"/> Forms	<input type="checkbox"/> Existing Sewerage System	<input type="checkbox"/> Curb Cut	<input type="checkbox"/> Under Construction
<input type="checkbox"/> Concrete Poured	<input type="checkbox"/> Existing System Report Attached	<input type="checkbox"/> Slab Placement, forms	<input type="checkbox"/> Sign Complete
<input type="checkbox"/> Formed	<input type="checkbox"/> Licensed System, No. _____	<input type="checkbox"/> Concrete	<input type="checkbox"/> Sign on ROW
<input type="checkbox"/> Complete	<input type="checkbox"/> Open Discharge	<input type="checkbox"/> Inlets	<input type="checkbox"/> Previous Permit(s)
<input type="checkbox"/> Structure on Site	<input type="checkbox"/> Under Construction, Incomplete	<input type="checkbox"/> Culvert Installed	<input type="checkbox"/> Other _____
<input type="checkbox"/> Manufactured Home on Site	<input type="checkbox"/> Installed & In Operation	<input type="checkbox"/> Circle Driveway	
<input type="checkbox"/> Fill Material on Site	<input type="checkbox"/> Installed & Not in Operation	<input type="checkbox"/> Cement Stabilized Sand	
<input type="checkbox"/> Structure Occupied	<input type="checkbox"/> Multiple structures on 1 system	<input type="checkbox"/> Previous Permit(s)	
<input type="checkbox"/> Previous Permit(s)	<input type="checkbox"/> Water Wall Proximity	<input type="checkbox"/> Other _____	
<input type="checkbox"/> Other _____	<input type="checkbox"/> Public Sewerage System		
	<input type="checkbox"/> Other _____		

**PROPERTY INFORMATION**

SUB I.D. \_\_\_\_\_ APPROVAL # \_\_\_\_\_ C.T. \_\_\_\_\_ KEY MAP \_\_\_\_\_ PRECINCT \_\_\_\_\_  
 Tract(s) or  
 SUBDIVISION \_\_\_\_\_ SEC \_\_\_\_\_ BLK \_\_\_\_\_ LOT(s) \_\_\_\_\_

SURVEY NAME \_\_\_\_\_ ABSTRACT No. \_\_\_\_\_

FIRM PANEL \_\_\_\_\_ ZONE \_\_\_\_\_ CLASS A B F CODE \_\_\_\_\_

ATTACHMENTS:  Site Plan  Photo(s)  Tax Map  FIRM Map  Other \_\_\_\_\_

**PROPERTY OWNER INFORMATION**

NAME \_\_\_\_\_ PHONE \_\_\_\_\_

ADDRESS \_\_\_\_\_ CITY \_\_\_\_\_ ZIP \_\_\_\_\_

NOTES \_\_\_\_\_

SITE CONVERSATION	TELEPHONE CONVERSATION
_____	PHONE: _____
_____	_____
_____	_____

**TAXPAYER INFORMATION**

NAME \_\_\_\_\_ TAX ACCOUNT NO. \_\_\_\_\_

ADDRESS \_\_\_\_\_ CITY \_\_\_\_\_ ZIP \_\_\_\_\_

Printed Inspector Name: \_\_\_\_\_ Inspection District \_\_\_\_\_

SIGNATURE: \_\_\_\_\_ DATE \_\_\_\_\_

.....INSPECTOR NOTES.....

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_







Tax Year: 2010	HARRIS COUNTY APPRAISAL DISTRICT REAL PROPERTY ACCOUNT INFORMATION 119718085062	Print E-mail
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File A Protg:	Similar Owner Name	Nearby Addresses	Same Street Name	Related Map 5859C
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**Ownership History**

**Owner and Property Information**

Owner Name & Mailing Address: <b>JONES, TOM</b> <b>34501 CHEWBACCA DR</b> <b>HOUSTON TX 77085-2023</b>	Legal Description: <b>LT 22 BLK 8</b> <b>STARFOREST SEC 5</b> Property Address: <b>12102 HIDDEN SABER DR</b> <b>HOUSTON TX 77355</b>
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<b>State Class Code</b> A1 -- Real, Residential, Single-Family	<b>Land Use Code</b> 1001 -- Residential Improved
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Land Area	Total Living Area	Neighborhood	Neighborhood Group	Market Area	Map Facet	Key Map®
7,397 SF	1,490 SF	1356.01	15102	300	5889C	416Z

Value Status Information				
Capped Account	Value Status	Notice Date	Hearing Status	Shared CAD
No	Noticed	3/31/2010	Protest Received	No

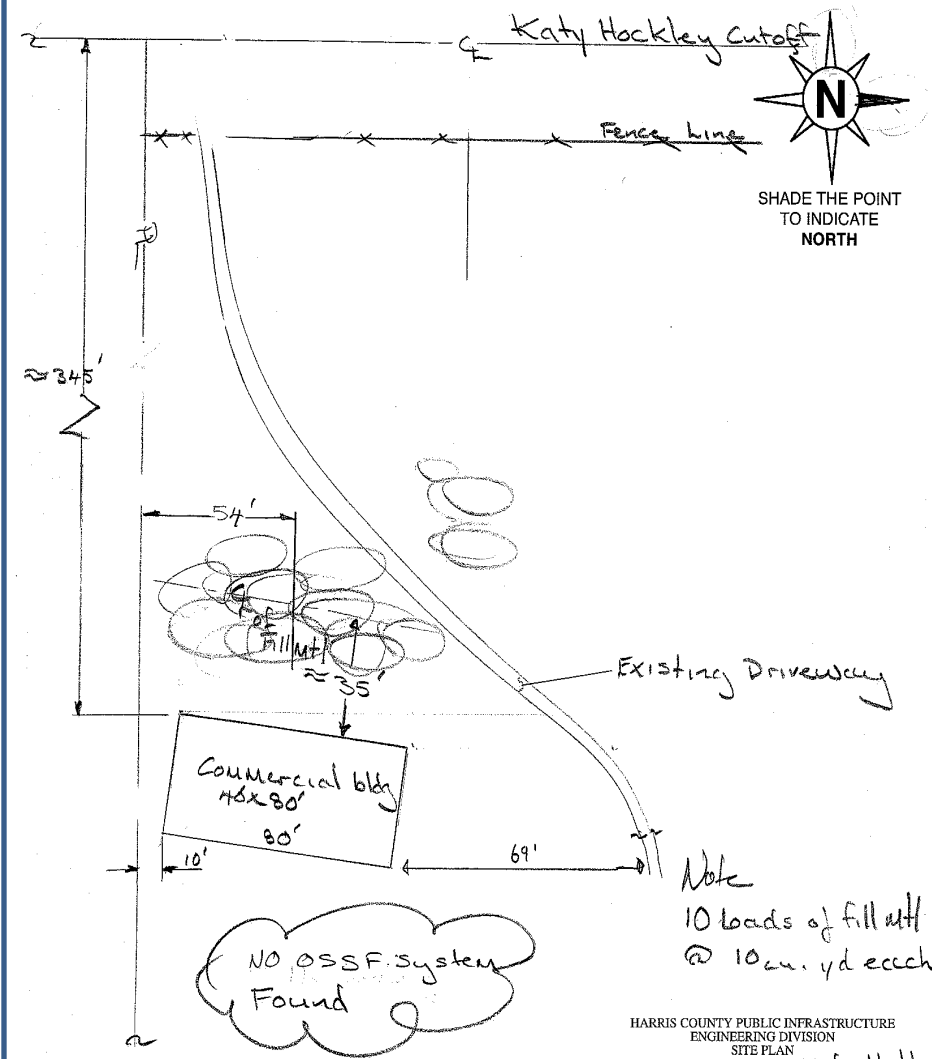
Exemptions and Jurisdictions						
Exemption Type	Districts	Jurisdictions	ARB Status	2009 Rate	2010 Rate	Online Tax Bill
<b>Residential Homestead</b>	015	STAR WARS ISD	Not Certified	1.478400		View
	040	HARRIS COUNTY	Not Certified	0.392240		
	041	HARRIS CO FLOOD CNTRL	Not Certified	0.029220		
	042	PORT OF HOUSTON AUTHY	Not Certified	0.016360		
	043	HARRIS CO HOSP DIST	Not Certified	0.192160		
	044	HARRIS CO EDUC DEPT	Not Certified	0.006050		
	047	SAN JACINTO COM COL D	Not Certified	0.170800		
	251	HC FWSD 51	Not Certified	0.290000		
	668	HC EMERG SRV DIST 12	Not Certified	0.025000		
	676	HC EMERG SERV DIST 16	Not Certified	0.020000		

Valuations					
Value as of January 1, 2009			Value as of January 1, 2010		
	Market	Appraised		Market	Appraised
Land	24,281		Land	24,281	
Improvement	133,919		Improvement	133,919	
<b>Total</b>	<b>158,200</b>	<b>158,200</b>	<b>Total</b>	<b>158,200</b>	<b>158,200</b>

**5-Year Value History**

Land											
Market Value Land											
Line	Description	Class	Unit	Units	Class	Class	Area O/D	Area O/D	Total	Unit	Value





HARRIS COUNTY PUBLIC INFRASTRUCTURE  
ENGINEERING DIVISION  
SITE PLAN

LOCATION: ≈ 4750 Katy Hockley Cutoff

SCALE: 1" = 40'

BY: Chris Jones DATE: 8/11/09



## HARRIS COUNTY

Public Infrastructure Department  
Architecture & Engineering Division

10555 Northwest Frwy., Suite 120  
Houston, Texas 77092  
(713) 956-3000

**CERTIFIED MAIL**

RECEIPT NO: 7008 3020 0005 5612 0267

17 November 2009

John R. & Mary Anderson  
19280 Matrix Lane  
Crosby, TX 77532-7432

**SUBJECT: Morpheus Farms, Tract 12 & 13; 19280 Matrix Lane**

Dear Mr. & Ms. Anderson:

A Notice of Violation of the Regulations of Harris County, Texas for Flood Plain Management was served at the captioned location on 16 November 2009, stating that a mobile home was placed on site without the required County permit.

Section 4.01 of the regulations states that: "All development within the unincorporated areas of Harris County without first securing a permit is prohibited". Development is defined in Section 2.12, as meaning "... any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials. Fences or fence type walls located within the floodplain are included with this definition".

The Harris County Tax Records list you as the taxpayer and owner of the property. You must submit a signed permit application. A statement detailing all required fees will be sent to you at the completion of the application process.

Please contact the Private Development Section of the Public Infrastructure Department Architecture & Engineering Division at (713) 316-3564, no later than 27 November 2009, to discuss a timely resolution to this matter or to provide us with the name of the new owner if you have recently sold the property.

Sincerely,

William Hunter, CFM  
Chief Inspector  
Private Development

WH: st  
Attachments





2002 Aerial





2006 Aerial





# ***KEY TO EFFECTIVE ENFORCEMENT OF FLOODPLAIN REGULATIONS***

- *Training of inspectors and plan reviewers via conferences (ASFPM, TFMA), workshops, etc.*
- *Review of technical bulletins and handouts*
- *In-house sessions geared toward community's regulations*
- *Monitoring construction*
- *Maintaining records of floodplain development*
- *Engineers/architects role in inspecting all development (ensure construction is in accordance with approved plans)*
- *Availability of information via website, brochures, articles, etc.*
- *Education of local officials*



# ***METHODS OF COMPLIANCE***

- Denial of permits
- Denial of utilities
- Section 1316 Declaration
  - request to FEMA for denial of flood insurance
- Certificate of Non-Compliance
  - lien on property
- County Attorney
  - lawsuit, may result in Court judgment



# SECTION 1316 DECLARATION

## HARRIS COUNTY PUBLIC INFRASTRUCTURE DEPARTMENT SECTION 1316 DECLARATION

I, **Raymond J. Anderson**, on behalf of Harris County, Texas, do hereby certify that the below-described structure is in violation with the minimum requirements of the Regulations of Harris County, Texas, for Flood Plain Management. These Regulations are adopted by the Commissioners Court of Harris County, Texas, acting in its capacity as the governing body of Harris County and in its capacity as the governing body of Harris County Flood Control District. Authority of Harris County to adopt these Regulations and for the contents hereof is derived from the following statutes: Texas Revised Civil Statutes Annotated Articles 1581e-1 and 6702-1, the Harris County Road Law, as amended, and the Texas Water Code Sections 16.319 and 26.032.

Harris County, therefore requests that FEMA deny the availability of flood insurance coverage to the following structure pursuant to the provisions of Section 1316 of the National Flood Insurance Act of 1968, as amended.

**Owner/Property Address:**

John Smith  
1234 Lake View Drive  
Houston, TX 77654

**Legal Description:**

Johnson Oaks Subdivision  
Section 01, Block 02, Lot 04  
18110 Cypresswood Dr.,  
Spring, TX 77373  
(Property No. 2220033)

**Type of Structure:**

Residential Structure  
(Violation No. 88777)

**Abatement Statement:**

Residential Structure  
Permit No. 1-123456-7 failed  
finished floor height requirement.



\_\_\_\_\_  
**Raymond J. Anderson, PE**  
Manager of Permits

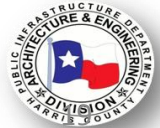
SWORN TO, and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_, 200\_\_.

SEAL

\_\_\_\_\_  
NOTARY PUBLIC, STATE OF TEXAS

cc: Beverly Kaufman, County Clerk, Real Property Records

RETURN TO: Harris County Public Infrastructure Department – Engineering Division – Permit Office  
10555 Northwest Freeway, Suite 120, Houston, TX 77092



# CERTIFICATE OF NON-COMPLIANCE

**CERTIFICATE OF NON-COMPLIANCE  
WITH THE REGULATIONS OF HARRIS COUNTY, TEXAS  
FOR FLOOD PLAIN MANAGEMENT**

The Permit Office of the HARRIS COUNTY PUBLIC INFRASTRUCTURE DEPARTMENT ARCHITECTURE & ENGINEERING DIVISION hereby serves notice to:  
**James J. Johnson**

and all successors and or assigns in interest to the property known as:  
**1357 Tophill Lane**

more fully described as:  
**Lot 10 in Block 10 of Tall Oaks Subdivision**

that the following development located at that property:  
**A manufactured home (16 ft x 70 ft)**

does not comply with the Regulations of Harris County, Texas, for Flood Plain Management in that:

- No permit has been secured to authorize the described development as required under Section 4.01 of the Regulations.
- The development does not comply with plans submitted and approved in Permit Number ~ as issued by the Permit Office of the HARRIS COUNTY PUBLIC INFRASTRUCTURE DEPARTMENT ARCHITECTURE & ENGINEERING DIVISION.
- Other.

and this property is therefore subject to enforcement under Section 7.01 of the Regulations.

THIS NOTICE IS NOT A FINAL JUDICIAL DETERMINATION OF A VIOLATION OF THE REGULATIONS. FOR INFORMATION ON THE REGULATIONS AND OBTAINING A CERTIFICATE OF COMPLIANCE CONTACT: The Permit Office of the HARRIS COUNTY PUBLIC INFRASTRUCTURE DEPARTMENT ARCHITECTURE & ENGINEERING DIVISION at (713) 956-3000, located at 10555 Northwest Freeway, Suite 120, Houston, TX 77092-8615.

STATE OF TEXAS     §  
COUNTY OF HARRIS   §

On this day personally appeared before me the undersigned authority, being the duly authorized representative for the Permit Office of the HARRIS COUNTY PUBLIC INFRASTRUCTURE DEPARTMENT ARCHITECTURE & ENGINEERING DIVISION, in that capacity and after being duly sworn affirmed on oath to having read the foregoing document and that the matters contained therein are true and correct.

Signed this \_\_\_\_ day of \_\_\_\_\_, 2009. \_\_\_\_\_  
Jesse Morales, Affiant

Sworn to and subscribed before me on this the \_\_\_\_ day of \_\_\_\_\_, 2009.  
\_\_\_\_\_  
Notary Public In and For the State of Texas

This notice is filed pursuant to the authority granted in Section 240.901 of the Texas Local Government Code and the Regulations of Harris County, Texas for Flood Plain Management.

Return to: HARRIS COUNTY PUBLIC INFRASTRUCTURE DEPARTMENT  
ARCHITECTURE & ENGINEERING DIVISION- PERMIT OFFICE  
10555 Northwest Freeway, Suite 120  
Houston, TX 77092-8615

Violation 579130

Property 11223344

HCED FORM 97-07



# COURT JUDGMENTS

## Polluter Begins His Jail Term For Defying Clean-Up Orders

By Richard Connelly in [Courts](#), [Environment](#)

Mon., Jun. 29 2009 @ 1:14PM

Luis Ortiz, the polluter who was sentenced to five days' jail time for failing to clean up his auto-salvage business, went behind bars today after a last-ditch effort to stay free.

Ella Tyler of the county attorney's office tells Hair Balls district judge Tony Lindsay ordered Ortiz to begin his sentence even though much of the clean-up has been done.

"It's been a long, long time getting it," she says.

Ortiz and the county have been fighting for three years, and the property owner had ignored several court orders demanding he fix the problem. He had one last chance to argue at a hearing this morning, but Lindsay wasn't impressed.

The judge did offer a chance to delay the sentence so that Ortiz could serve most of it over the Fourth of July weekend (presumably because his business would be closed anyway; maybe, however, she just hates Fourth of July parties and figured Ortiz did too). But he instead opted to head straight for the cell.

In his defense, Ortiz tried to enter into evidence [a blog item](#) about how he had donated 50 trees to the neighborhood. Alas, it was not allowed to be entered.

A polluter hasn't been sent to jail via the county attorney's office here for a decade or so; new County Attorney Vince Ryan has said it will be a priority of his office, and the Ortiz case is meant to send a message to other property owners.



Photo courtesy Harris County Attorney's office

## The County Attorney Sends A Message: A Local Polluter Gets Jail Time

By Richard Connelly in [Courts](#)

Thursday, Jun. 18 2009 @ 6:57AM

Here's something relatively new: A Harris County polluter is going to jail.

Vince Ryan, the new Harris County Attorney, has decided to make pollution a priority, and he went after the owner of a northside auto-parts salvage company that had been dragging its legs on cleaning up and paying fines.



Photo courtesy Harris County Attorney

He convinced district judge Tony Lindsay that the polluter was in contempt of a court order mandating clean-up, and so Luis Ortiz will now be spending five days in jail.

It's been about 10 years since that's happened, the office announced.

Harris County Special Counsel Terry O'Rourke tells Hair Balls -- who forgot to ask if he still goes by the nickname "El Tigre" -- that the move was designed to put a scare into other polluters.

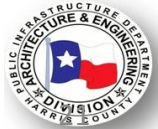
"In the 21st century there hasn't been anyone sent to jail by the Harris County Attorney's office because of pollution," he says. "We plan to send a lot more, to send a message."

Ortiz, O'Rourke said, "is not some poor Hispanic -- he's a businessman with several locations, and he just cut corners."

The case, involving a property at 8401 Airline, has been around since 2006. In January, Ortiz was ordered to pay \$45,000 in fines and clean up the toxic waste.

O'Rourke notes that the county attorney doesn't have jurisdiction over criminal matters, but by bringing civil suits -- with the threat of contempt for ignoring court orders -- they can get things done.

Ortiz, for instance, can be sent back to jail if the property isn't cleaned up as the court has ordered.



# ***DIFFICULT TYPES OF DEVELOPMENT TO ENFORCE***

- *Placement of fill material*
- *Grading*
- *Placement of other types of materials  
(pipes, construction materials, automobiles, etc.)*
- *Additions to existing buildings*
- *Substantial improvements/Substantial damage*
- *Temporary construction*
- *Foundation elevation*



# ***DIFFICULTIES IN ENFORCING THE REGULATIONS***

- *Training of employees*
- *Amount of staff*
- *Increasing community knowledge of regulations*
- *Time it takes to effect enforcement*
- *Personal feelings (especially after storm events)*





***QUESTIONS?***

