

**FLOOD DAMAGE PREVENTION ORDER  
GRIMES COUNTY, TEXAS**

**ARTICLE I**

**STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE AND METHODS**

**SECTION A. STATUTORY AUTHORIZATION**

The Legislature of the State of Texas has in the Flood Control Insurance Act, Texas Water Code, Section 16.315, delegated the responsibility of local governmental units to adopt regulations designed to minimize flood losses. Therefore, the Commissioner's Court of Grimes County, Texas does ordain as follows:

**SECTION B. FINDINGS OF FACT**

(1) Areas within the jurisdiction of Grimes County are subject to periodic inundation, which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, and extraordinary public expenditures for flood protection and relief, all of which adversely affect public health, safety and general welfare.

(2) These flood losses are created by the cumulative effect of obstructions both in floodplains and by overflow caused by the diversion or impounding of water, which cause an increase in flood heights and velocities, and by the occupancy of flood hazard areas by uses vulnerable to floods and hazardous to other lands because they are inadequately elevated, floodproofed or otherwise protected from flood damage.

**SECTION C. STATEMENT OF PURPOSE**

The purpose of this Order is to promote public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

- (1) Protect human life and health;
- (2) Minimize expenditure of public money for costly flood control projects;
- (3) Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (4) Minimize prolonged business interruptions;
- (5) Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodplains;

(6) Help maintain a stable tax base by providing for the sound use and development of flood-prone areas in such a manner as to minimize future flood blight areas; and

(7) Ensure that potential buyers are notified that property is in a flood area.

**SECTION D. METHODS OF REDUCING FLOOD LOSSES**

In order to accomplish its purposes, this Order uses the following methods:

(1) Restrict or prohibit uses that are dangerous to health, safety or property in times of flood, cause an unlawful impounding or diverting of natural flow of floodwater, or cause excessive increases in flood heights or velocities;

(2) Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;

(3) Control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of flood waters;

(4) Control filling, grading, dredging and other development which may increase flood damage;

(5) Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands.

## ARTICLE 2

### DEFINITIONS

Unless specifically defined below, words or phrases used in this Order shall be interpreted to give them the meaning they have in common usage and to give this Order its most reasonable application.

**ACCESSORY STRUCTURE** - means a structure which is subordinate to, and the use of which is incidental to, that of the principal structure or use on the same property.

**ADDITION** - means an addition attached to, but outside of, either the vertical or horizontal confines of the existing structure or below the first-floor level of a building elevated on posts or piers, but which is not a “substantial improvement” as defined by these Regulations.

**ADMINISTRATIVELY COMPLETE** - means a completed permit application that is submitted to Grimes County along with all required fees and includes all the required documents or Plans listed on the Administratively Complete Checklist provided on the Grimes County website. An Administratively Complete permit application is ready for technical review.

**ALLUVIAL FAN FLOODING** - means flooding occurring on the surface of an alluvial fan or similar landform which originates at the apex and is characterized by high-velocity flows; active processes of erosion, sediment transport, and deposition; and unpredictable flow paths.

**APEX** - means a point on an alluvial fan or similar landform below which the flow path of the major stream that formed the fan becomes unpredictable and alluvial fan flooding can occur.

**APPURTENANT STRUCTURE** - means a structure which is on the same parcel of property as the principal structure to be insured and the use of which is incidental to the use of the principal structure

**AREA OF FUTURE CONDITIONS FLOOD HAZARD** - means the land area that would be inundated by the 1-percent-annual chance (100 year) flood based on future conditions hydrology.

**AREA OF SHALLOW FLOODING** - means a designated AO, AH, AR/AO, AR/AH, or VO zone on a community's Flood Insurance Rate Map (FIRM) with a 1 percent or greater annual chance of flooding to an average depth of 1 to 3 feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

**AREA OF SPECIAL FLOOD HAZARD** - is the land in the floodplain within a community subject to a 1 percent or greater chance of flooding in any given year. The area may be designated as Zone A on the Flood Hazard Boundary Map (FHBM). After detailed rate-making has been completed in preparation for publication of the FIRM, Zone A usually is refined into Zones A, AO, AH, A1-30, AE, A99, AR, AR/A1-30, AR/AE, AR/AO, AR/AH, AR/A, VO, V1-30, VE or V.

**BASE FLOOD** - means the flood having a 1 percent chance of being equaled or exceeded in any given year.

**BASE FLOOD ELEVATION (BFE)** - The elevation shown on the Flood Insurance Rate Map (FIRM) and found in the accompanying Flood Insurance Study (FIS) for Zones A, AE, AH, A1-A30, AR, V1-V30, or VE that indicates the water surface elevation resulting from the flood that has a 1% chance of equaling or exceeding that level in any given year - also called the Base Flood.

**BASE LEVEL ENGINEERING (BLE)** - is an automated riverine hydrologic and hydraulic modeling approach that builds on lessons learned to produce a base line understanding of a community's flood risk.

The results from BLE analyses can also be used to visualize, analyze, and describe the flood hazard in areas without regulatory information.

**BASEMENT** - means any area of the building having its floor subgrade (below ground level) on all sides.

**BREAKAWAY WALL** - means a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system.

**BUILDABLE AREA** - means that portion of a residential lot shown on a final plat upon which a single-family dwelling unit or a multi-family residential structure may be lawfully constructed, located or placed, including a site built home, modular home, manufactured home, duplex, townhouse, or a multi-unit residential building, and on-site sewage disposal systems, in accordance with applicable building restriction lines, covenants, plat notations, and setbacks, if any.

**COUNTY ENGINEER** - the holder of the statutory office of County Engineer for Grimes County or the employee designated by the County Engineer to perform a task required by these Regulations.

**CRITICAL FACILITY** - means a facility that is essential to the preservation of life and property and critical to the community's public health and safety, are essential to the functioning of a community, store or produce highly volatile, toxic or water-reactive materials, or house occupants that may be insufficiently mobile to avoid loss of life or injury. Examples of critical development include, but are not limited to, hospitals, emergency medical centers, schools, daycare facilities, elderly care facilities, jails, public electric utilities, police and fire stations or facilities, emergency operation centers, , wastewater treatment facilities, water plants, gas/oil/propane storage facilities, hazardous waste handling and storage facilities and other public equipment storage facilities.

**CRITICAL FEATURE** - means an integral and readily identifiable part of a flood protection system, without which the flood protection provided by the entire system would be compromised.

**DEVELOPMENT** - means any human-caused change to improved and 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.

Development includes substantial improvements to existing buildings or structures. Fences or fence-like structures in the floodplain are included in this definition.

Development shall not include (1) routine maintenance and routine repairs to structures, (2) accessory buildings or structures not located in Zone A with floor areas less than 150 square ft, (3) certain agricultural activities that do not cause flooding or other impacts, and (4) insignificant activities including temporary storage of materials in Zone X.

Development shall include Substantial Improvement of a structure or repair of a structure determined to be Substantially Damaged.

The applicability of this definition is subject to the discretion of the County Engineer or their designee.

**DRAINAGE** - means runoff that flows over land as a result of precipitation. This shall include sheet flow, flow in street and flows which may concentrate in local drainage systems with or without defined channels.

**ELEVATION** - means height above mean sea level. The North American Vertical Datum (NAVD) of 1988 shall be used. Any future studies changing the FIRM which is referenced to a later re-leveling of the vertical control system shall be used whenever a revised FIRM becomes effective.

**ELEVATED BUILDING** - means, for insurance purposes, a non-basement building, which has its lowest elevated floor, raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns.

**ELEVATION CERTIFICATE** - means FEMA Form FF-206-FY-22-152, October 2022, or subsequent revisions, used to show elevations of real property in relation to base flood elevations.

**EXISTING CONSTRUCTION** – means, for the purposes of determining rates, structures for which the "start of construction" commenced before the effective date of the FIRM or before January 1, 1975, for FIRMs effective before that date. "Existing construction" may also be referred to as "existing structures."

**EXISTING MANUFACTURED HOME PARK OR SUBDIVISION** - means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

**EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR SUBDIVISION** - means the preparation of additional sites by the construction of facilities for servicing the lots on

which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

**FILL (AND FILLING)** - Fill means natural sands, dirt, soil or rock placed above the natural grade to raise the elevation of the ground in a manner that diverts the existing natural flow in a way that causes damage to another property in a manner describer by Texas Water Code 11.086. Fill may also include concrete, cement, soil cement, brick or similar material as approved on a case- by-case basis. Filling means the placement of these materials.

**FLOOD OR FLOODING** - means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- (1) the overflow of inland or tidal waters.
- (2) the unusual and rapid accumulation or runoff of surface waters from any source.

**FLOOD ELEVATION STUDY** - means an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e., mudflow) and/or flood-related erosion hazards.

**FLOOD INSURANCE RATE MAP (FIRM)** - means an official map of a community, on which the Federal Emergency Management Agency has delineated both the special flood hazard areas and the risk premium zones applicable to the community.

**FLOOD INSURANCE STUDY (FIS)** - see *Flood Elevation Study*

**FLOODPLAIN OR FLOOD-PRONE AREA** - means any land area susceptible to being inundated by water from any source (see definition of flooding).

**FLOODPLAIN ADMINISTRATOR** - means the community official designated by title to administer and enforce the floodplain management regulations. In the absence of a County Engineer, an individual or firm qualified to perform floodplain management duties.

**FLOODPLAIN MANAGEMENT** - means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works and floodplain management regulations.

**FLOODPLAIN MANAGEMENT REGULATIONS** - means zoning Orders, regulations, building codes, health regulations, special purpose Orders (such as a floodplain Order, grading Order and erosion control Order) and other applications of police power. The term describes such state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

**FLOOD PROTECTION SYSTEM** - means those physical structural works for which funds have been authorized, appropriated, and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the area within a community subject to a "special flood hazard" and the extent of the depths of associated flooding. Such a system typically includes

hurricane tidal barriers, dams, reservoirs, levees or dikes. These specialized flood modifying works are those constructed in conformance with sound engineering standards.

**FLOOD PROOFING** - means any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

**FLOODWAY** - see *Regulatory Floodway*

**FUNCTIONALLY DEPENDENT USE** - means a use, which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

**HIGHEST ADJACENT GRADE** - means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

**HISTORIC STRUCTURE** - means any structure that is:

(1) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

(2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

(3) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or

(4) Individually listed on a local inventory or historic places in communities with historic preservation programs that have been certified either:

(a) By an approved state program as determined by the Secretary of the Interior or;

(b) Directly by the Secretary of the Interior in states without approved programs.

**LEVEE** - means a human-caused structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding.

**LEVEE SYSTEM** - means a flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

**LOWEST FLOOR** - means the lowest habitable floor or enclosed area of a building or structure usable for sleeping, living, cooking, working, recreation or any combination thereof. Bathrooms and utility rooms are included in this definition, as are storage areas greater than one hundred fifty (150) square feet in size. An unfinished or flood resistant enclosure, usable solely for parking or vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirement of Section 60.3 of the National Flood Insurance Program regulations.

**MANUFACTURED HOME** - means a structure transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a "recreational vehicle".

**MANUFACTURED HOME PARK OR SUBDIVISION** - means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

**MEAN SEA LEVEL** - means, for purposes of the National Flood Insurance Program, the North American Vertical Datum (NAVD) of 1988 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

**NATURAL GRADE (OR NATURAL GROUND)** - means the grade unaffected by construction techniques such as fill, landscaping, or berms.

**NEW CONSTRUCTION** - means, for the purpose of determining insurance rates, structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, "new construction" means structures for which the "start of construction" commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

**NEW MANUFACTURED HOME PARK OR SUBDIVISION** - means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.

**PERMIT** - means an authorization issued by Grimes County to perform an action related to construction, development, or business operation that must be obtained in order to perform the action for which the permit is sought.

**PLAN** - means development drawings or specifications, preliminary subdivision drawings or specifications, subdivision construction drawings or specifications, site drawings or specifications, general drawings or specifications, land development drawings, specifications, or application or site development plan.

**RECREATIONAL VEHICLE** - means a vehicle which is (i) built on a single chassis; (ii) 400 square feet or less when measured at the largest horizontal projections; (iii) designed to be self-propelled or permanently towable by a light duty truck; and (iv) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

**REGULATORY FLOODWAY** - means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

**REPETITIVE LOSS** - means flood-related damage sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds 25% of the market value of the structure before the damage occurred.

**RIVERINE** - means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

**SPECIAL FLOOD HAZARD AREA** - see *Area of Special Flood Hazard*

**START OF CONSTRUCTION** - (for other than new construction or substantial improvements under the Coastal Barrier Resources Act (Pub. L. 97-348)), includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

**STRUCTURE** - means, for floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

**SUBSTANTIAL DAMAGE** - means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Substantial damage also means flood related damage sustained by a structure on two (2) separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event,

on the average, equals or exceeds 25 percent of the market value of the structure before the damage occurred.

**SUBSTANTIAL IMPROVEMENT** - means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before "start of construction" of the improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either: (1) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions or (2) Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure."

Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. When the combined total of all improvements or repairs made after the adoption of this Regulations equals or exceeds 50 percent of a structure's market value, that structure is considered to be substantially improved.

**SUBSTANTIAL MODIFICATION** - changes to the approved plans, plat, and/or drainage report or change of use that will increase impervious cover, or the volume and/or peak discharge of the stormwater runoff from portions of, or the whole of the project or any other change that would affect the volume or peak discharge of stormwater runoff that would cause adverse impacts to off-site properties.

**UNINCORPORATED AREA** - the area in Grimes County, Texas that is not within an incorporated area of a city, town, or village.

**VARIANCE** - means a grant of relief by a community from the terms of a floodplain management regulation. (For full requirements see Section 60.6 of the National Flood Insurance Program regulations.)

**VIOLATION** - means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in Section 60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided.

**WATER SURFACE ELEVATION** - means the height, in relation to the National Geodetic Vertical Datum (NAVD) of 1988 (or other datum, where specified), of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

## ARTICLE 3

### GENERAL PROVISIONS

#### **SECTION A. LANDS TO WHICH THIS ORDER APPLIES**

The Order shall apply to all areas within the unincorporated areas of Grimes County.

#### **SECTION B. BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD**

Grimes County hereby adopts by reference and declares the following as the basis for regulation:

1. The areas of special flood hazard identified by the Federal Emergency Management Agency in the current scientific and engineering report entitled, "The Flood Insurance Study (FIS) for Grimes County and Incorporated Areas," dated April 3, 2012, with accompanying Flood Insurance Rate Maps (FIRM) dated April 3, 2012, and any revisions thereto; and
2. The Base Level Engineering analysis for FEMA Region 6 to include the 1% flood depth layers and associated elevations and cross sections.

The basis for regulation resulting in the most impactful reduction in flood damage risk shall apply.

#### **SECTION C. ESTABLISHMENT OF DEVELOPMENT PERMIT**

A Development Permit shall be required for any type of development as defined in Article 2 of this Order to ensure conformance with the provisions of this Order.

#### **SECTION D. COMPLIANCE**

No structure or land shall hereafter be constructed, located, extended, converted, altered, or have its use changed without full compliance with the terms of this Order and other applicable regulations.

The connection of land with permanent water, sewer, electricity, and gas utility service is hereby prohibited until the property complies with rules adopted by these Regulations and with other applicable Regulations.

#### **SECTION E. ABROGATION AND GREATER RESTRICTIONS**

This Order is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this Order and another Order, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

## **SECTION F. INTERPRETATION**

In the interpretation and application of this Order, all provisions shall be (1) considered as minimum requirements; (2) liberally construed in favor of the governing body; and (3) deemed neither to limit nor repeal any other powers granted under State statutes.

## **SECTION G. WARNING AND DISCLAIMER OR LIABILITY**

The degree of flood protection required by this Order is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Greater floods can and will occur and flood heights may be increased by human-caused or natural causes. This Order does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This Order shall not create liability on the part of the community or any official or employee thereof for any flood damage that results from reliance on this Order or any administrative decision lawfully made hereunder.

## ARTICLE 4

### ADMINISTRATION

#### **SECTION A. DESIGNATION OF THE FLOODPLAIN ADMINISTRATOR**

The County Engineer or their designee is hereby appointed the Floodplain Administrator to administer and implement the provisions of this Order and other appropriate sections of 44 CFR (Emergency Management and Assistance - National Flood Insurance Program Regulations) pertaining to floodplain management.

The County Engineer and/or the appointed Floodplain Administrator, or their designee, are granted authority by the Grimes County Commissioners Court under authority granted by 44 CFR § 60 to ensure compliance with these Regulations.

The County Engineer and/or the appointed Floodplain Administrator, or their designee, have the right to enter any property or structure to perform any duties or responsibilities imposed by these Regulations in any situation where reasonable access is not granted upon request by Grimes County.

#### **SECTION B. DUTIES & RESPONSIBILITIES OF THE FLOODPLAIN ADMINISTRATOR**

Duties and responsibilities of the Floodplain Administrator shall include, but not be limited to, the following:

(1) Maintain and hold open for public inspection all records pertaining to the provisions of this Order.

(2) Review permit application to determine whether to ensure that the proposed building site project, including the placement of manufactured homes, will be reasonably safe from flooding.

(3) Review, approve or deny all applications for development permits required by adoption of this Order.

(4) Review permits for proposed development to assure that all necessary permits have been obtained from those Federal, State or local governmental agencies (including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334) from which prior approval is required.

(5) Where interpretation is needed as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the Floodplain Administrator shall make the necessary interpretation.

(6) Notify, in riverine situations, adjacent communities and the State Coordinating Agency which is the Texas Water Development Board (TWDB) and also the Texas Commission on Environmental Quality (TCEQ), prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.

(7) Assure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained.

(8) When base flood elevation data has not been provided in accordance with Article 3, Section B, the Floodplain Administrator shall obtain, review and reasonably utilize any base flood elevation data and floodway data available from a Federal, State or other source, in order to administer the provisions of Article 5.

(9) When a regulatory floodway has not been designated, the Floodplain Administrator must require that no new construction, substantial improvements, or other development (including fill) shall be permitted within Zones A1-30 and AE on the community's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than 0.1 foot at any point within the community.

(10) Under the provisions of 44 CFR Chapter 1, Section 65.12, of the National Flood Insurance Program regulations, a community may approve certain development in Zones A1-30, AE, AH, on the community's FIRM which increases the water surface elevation of the base flood by more than 1 foot, provided that the community **first** completes all of the provisions required by Section 65.12.

### **SECTION C. PERMIT PROCEDURES**

(1) Application for a Floodplain Development Permit shall be presented to the Floodplain Administrator on forms furnished by him/her and may include, but not be limited to, plans in duplicate drawn to scale showing the location, dimensions, and elevation of proposed landscape alterations, existing and proposed structures, including the placement of manufactured homes, and the location of the foregoing in relation to areas of special flood hazard. Additionally, the following information is required:

(a) Elevation (in relation to mean sea level), of the lowest floor (including basement) of all new and substantially improved structures;

(b) Elevation in relation to mean sea level to which any nonresidential structure shall be floodproofed;

(c) A certificate from a registered professional engineer or architect that the nonresidential floodproofed structure shall meet the floodproofing criteria of Article 5, Section B.(2);

(d) Description of the extent to which any watercourse or natural drainage will be altered or relocated as a result of proposed development;

(e) Maintain a record of all such information in accordance with Article 4, Section B.(1);

(2) Approval or denial of a Floodplain Development Permit by the Floodplain Administrator shall be based on all of the provisions of this Order and the following relevant factors:

(a) The danger to life and property due to flooding or erosion damage;

(b) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

(c) The danger that materials may be swept onto other lands to the injury of others;

(d) The compatibility of the proposed use with existing and anticipated development;

(e) The safety of access to the property in times of flood for ordinary and emergency vehicles;

(f) The costs of providing governmental services during and after flood conditions including maintenance and repair of streets and bridges, and public utilities and facilities such as sewer, gas, electrical and water systems;

(g) The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site;

(h) The necessity to the facility of a waterfront location, where applicable;

(i) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use.

#### **SECTION D. VARIANCE PROCEDURES**

The Commissioners' Court may grant variances from these regulations according to the procedures defined in this section.

Anyone who wishes to request a variance must apply in writing to the County's Representative who will coordinate with the appropriate Commissioner and request that consideration of such variance be placed on the agenda of the Court with a recommendation whether the variance should be granted or denied. All variance requests submitted must be specific and in a written format. A detailed description should be attached with the written request along with all pertinent information and fees. The variance request must be signed and dated by the developer or his/her designated representative.

If the variance involves land in a municipality's ETJ the developer must contact and obtain the approval of the appropriate jurisdiction(s) for any variance.

The County Commissioners' Court may authorize a variance from these regulations when, in its opinion, undue hardship will result from requiring strict compliance with these regulations. In granting a variance, the Commissioners' Court shall prescribe only conditions that it deems necessary or desirable to the public interest. In making the findings required below, the Commissioners' Court shall take into account the nature of the proposed use of land involved, existing uses of land in the vicinity, the number of persons who will reside or work in the proposed subdivision, and the probable effect of such variances upon traffic conditions and upon the public health, safety, convenience and welfare in the vicinity. No variance shall be granted unless the Commissioners' Court finds:

- A. That there are special circumstances or conditions affecting the land involved such that the strict application of these regulations would deprive that applicant of the reasonable use of his land.
- B. That the granting of the variance will not be detrimental to the public health, safety, welfare or injurious to other property in the area.
- C. That the granting of the variance will not have the effect of preventing the orderly subdivision of other land in the area in accordance with the provisions of these regulations.

Such findings of the Commissioners' Court together with the specified facts upon which such findings are based, shall be incorporated into the official minutes of the Commissioners' Court meeting at which such variance is considered. Variances may be granted only when in harmony with the general purpose and intent of these regulations so that the public health, safety and welfare may be secured and substantial justice done. Pecuniary hardship to the subdivider, standing alone, shall not be deemed to constitute hardship. No request will be considered until a written request has been submitted outlining the specific variance(s) from these regulations.

The decision of the Commissioners' Court to grant or to deny a variance is at its sole discretion.

(2) The Commissioners Court shall hear and render judgment on an appeal only when it is alleged there is an error in any requirement, decision, or determination made by the Floodplain Administrator in the enforcement or administration of this Order.

(3) Any person or persons aggrieved by the decision of the Commissioners Court may appeal such decision in the courts of competent jurisdiction.

(4) The Floodplain Administrator shall maintain a record of all actions involving an appeal and shall report variances to the Federal Emergency Management Agency upon request.

(5) Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in the remainder of this Order.

(6) Variances may be issued for new construction and substantial improvements to be erected on a lot of 1/2 acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing the relevant factors in Section C (2) of this Article have been fully considered. As the lot size increases beyond 1/2 acre, the technical justification required for issuing the variance increases.

(7) Upon consideration of the factors noted above and the intent of this Order, the Commissioners Court may attach such conditions to the granting of variances as it deems necessary to further the purpose and objectives of this Order (Article 1, Section C).

(8) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

(9) Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

(10) Prerequisites for granting variances:

(a) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

(b) Variances shall only be issued upon: (i) showing a good and sufficient cause; (ii) a determination that failure to grant the variance would result in exceptional hardship to the applicant, and (iii) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or Orders.

(c) Any application to which a variance is granted shall be given written notice that the structure will be permitted to be built with the lowest floor elevation below the required finished floor elevation, and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

(11) Variances may be issued by a community for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that (i) the criteria outlined in Article 4, Section D (1)-(9) are met, and (ii) the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

## ARTICLE 5

### PROVISIONS FOR FLOOD HAZARD REDUCTION

#### SECTION A. GENERAL STANDARDS

In all areas of special flood hazards the following provisions are required for all new construction and substantial improvements:

(1) All new construction or substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;

(2) All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage;

(3) All new construction or substantial improvements shall be constructed with materials resistant to flood damage;

(4) All new construction or substantial improvements shall be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located to meet the required lowest finished floor elevation so as to prevent water from entering or accumulating within the components during conditions of flooding;

(5) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;

(6) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system and discharge from the systems into flood waters; and,

(7) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

#### SECTION B. SPECIFIC STANDARDS

In all unincorporated areas of Grimes County as set forth in (i) Article 3, Section B, (ii) Article 4, Section B (8), or (iii) Article 5, Section C (3), the following provisions are required:

No development or encroachment, including fill, is allowed in Zone A in a manner that will result in an increase over 0.1 foot in the base flood elevations within the floodway during discharge of the base flood when considering all existing, proposed, and future development in the watershed

Fill may not be used to elevate residential structures within the 100-year floodplain.

**(1) Residential Construction**

- a. **Zone A or BLE 1% Flood Extent** - new construction and substantial improvement of any residential structure shall have the lowest floor elevated a minimum of two (2) above the base flood elevation, two (2) feet above the crown of the road, or two (2) feet above highest adjacent grade, whichever is higher. A Texas-licensed professional engineer, architect, or land surveyor shall submit a certification to the Floodplain Administrator that the standard of this subsection as proposed in Article 4, Section C (1) a., is satisfied.
- b. **Zone X (areas outside FIRM Zone A or BLE 1% Flood Extent)** - new construction and substantial improvement of any residential structure shall elevate the lowest floor 12 inches above the highest adjacent grade when measured 10 feet from the edge of the slab, or 12 inches above the crown of the adjacent street, whichever results in the highest elevation.

Fill may not be used to elevate residential structures within special flood hazard area where the depth of flooding during the base flood is more than 3.0 feet. Where the depth of flooding is greater than 3.0 feet, structures may be constructed on an open foundation, such as piers, or on continuous foundation walls with properly sized and located opening. Foundations are required to be designed by a Texas-licensed professional engineer. The plans shall clearly show compliance with all provisions of this Order.

Properties sloping away from the road are exempt from the crown elevation requirement and must construct and maintain adequate drainage paths to guide flood waters around the structure and to prevent flood waters from entering the structure.

Residential structures other than a single-family residence on a concrete slab foundation shall elevate the top of the slab to 6 inches above adjacent grade.

In any area that has been removed from the floodplain via a Letter of Map Revision, any existing or new structure, addition, or substantial improvement must meet the required elevation freeboard requirements of the underlying flood hazard elevation.

- (2) **Nonresidential Construction** - new construction and substantial improvements of any commercial, industrial or other nonresidential structure shall either have the lowest floor (including basement) elevated a minimum of two (2) feet above the base flood level or together with attendant utility and sanitary facilities, be designed so that below the minimum two (2) feet above the base flood level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A Texas-licensed professional engineer or architect shall develop and/or review structural design, specifications, and plans for the construction, and shall certify that the design and

methods of construction are in accordance with accepted standards of practice as outlined in this subsection. A record of such certification which includes the specific elevation (in relation to mean sea level) to which such structures are floodproofed shall be maintained by the Floodplain Administrator.

Reference "Requirements for the Design and Certification of Dry Floodproofed Non-Residential and Mixed-Use Buildings Located in Special Flood Hazard Areas in Accordance with the National Flood Insurance Program" NFIP Technical Bulletin 3 / January 2021.

(3) **Enclosures** - new construction and substantial improvements, with fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:

(a) A minimum of two openings on separate walls having a total net area of not less than 1 square inch for every square foot of enclosed area subject to flooding shall be provided.

(b) The bottom of all openings shall be no higher than 1 foot above grade.

(c) Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

Reference FEMA NFIP Technical Bulletin 1 "Requirements for Flood Openings in Foundation Walls and Walls of Enclosures"

(4) **Manufactured Homes** -

(a) Require that all manufactured homes to be placed within Zone A on a community's FHBM or FIRM shall be installed using methods and practices which minimize flood damage. For the purposes of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable State and local anchoring requirements for resisting wind forces.

(b) Require that manufactured homes that are placed or substantially improved within Zones A1-30, AH, and AE on the community's FIRM on sites (i) outside of a manufactured home park or subdivision, (ii) in a new manufactured home park or subdivision, (iii) in an expansion to an existing manufactured home park or subdivision, or (iv) in an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as a result of a flood, be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated a minimum of two (2) feet above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

(c) Require that manufactured homes be placed or substantially improved on sites in an existing manufactured home park or subdivision with Zones A1-30, AH and AE on the community's FIRM that are not subject to the provisions of paragraph (4) of this section be elevated so that:

(i) the lowest floor of the manufactured home is two (2) feet above the base flood elevation, two (2) feet above natural grade, or two (2) feet above the crown of the nearest street, whichever is higher, and

(ii) the manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

Reference FEMA P-85 “Protecting Manufactured Homes from Floods and Other Hazards”

(5) **Recreational Vehicles** - Require that recreational vehicles placed on sites within Zones A1-30, AH, and AE on the community's FIRM either (i) be on the site for fewer than 180 consecutive days, or (ii) be fully licensed and ready for highway use, or (iii) meet the permit requirements of Article 4, Section C (1), and the elevation and anchoring requirements for "manufactured homes" in paragraph (4) of this section. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.

Properties in the SFHA containing sites for 2 or more Recreational Vehicles shall ensure that vehicle pads are elevated appropriately so that Recreational Vehicles meet the elevation requirements of residential construction.

6. **Accessory Structures** - Small detached structures (garages, storage sheds) may be exempt from the freeboard requirements if they are not used for human habitation; designed to have low flood damage potential; firmly anchored and placed on the building site in a way that presents minimum resistance to flood flows; constructed with electrical and other services mounted above or floodproofed to the flood hazard elevation; and fitted with openings that allow the automatic entry and exit of floodwater.

7. **Access (Ingress/Egress)** - New development proposals will be designed, to the maximum extent practicable, so both residential and non-residential building sites, walkways, driveways, and roadways are located on land with a natural grade with elevation not less than the base flood elevation and with evacuation routes leading directly out of the floodplain area (dryland access).

8. **Reduction of Floodplain Storage** – Any development, including fill, resulting in reduction in floodplain storage volume within the special flood hazard area must be offset with a hydraulically equivalent (1:1) volume of mitigation sufficient to offset the reduction, resulting in zero net loss of natural floodplain storage. The volume of the loss of floodwater storage due to filling in the special flood hazard area shall be offset by providing an equal volume of flood storage

in the floodplain, by excavation or other compensatory measures, at or adjacent to the development site

### **SECTION C. STANDARDS FOR SUBDIVISION PROPOSALS**

(1) All subdivision proposals including the placement of manufactured home parks and subdivisions shall be consistent with Article 1, Sections B, C, and D of this Order.

(2) All proposals for the development of subdivisions including the placement of manufactured home parks and subdivisions shall meet Floodplain Development Permit requirements of Article 3, Section C; Article 4, Section C; and the provisions of Article 5 of this Order.

(3) Base flood elevation data shall be generated for subdivision proposals and other proposed development including the placement of manufactured home parks and subdivisions which is greater than 50 lots or 5 acres, whichever is lesser, if not otherwise provided pursuant to Article 3, Section B or Article 4, Section B (8) of this Order.

(4) All subdivision proposals including the placement of manufactured home parks and subdivisions shall have adequate drainage provided to reduce exposure to flood hazards.

(5) All subdivision proposals including the placement of manufactured home parks and subdivisions shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.

### **SECTION D. STANDARDS FOR AREAS OF SHALLOW FLOODING (AO/AH ZONES)**

Located within the areas of special flood hazard established in Article 3, Section B, are areas designated as shallow flooding. These areas have special flood hazards associated with flood depths of 1 to 3 feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow; therefore, the following provisions apply:

(1) All new construction and substantial improvements of residential structures have the lowest floor (including basement) elevated to or above the base flood elevation or the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM (at least 2 feet if no depth number is specified), or

(2) All new construction and substantial improvements of non-residential structures;

(a) have the lowest floor (including basement) elevated to or above the base flood elevation or the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM (at least 2 feet if no depth number is specified), or

(b) together with attendant utility and sanitary facilities be designed so that below the base specified flood depth in an AO Zone, or below the Base Flood Elevation in an AH Zone, the

structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads of effects of buoyancy.

(3) A registered professional engineer or architect shall submit a certification to the Floodplain Administrator that the standards of this Section, as proposed in Article 4, Section C are satisfied.

(4) Require within Zones AH or AO adequate drainage paths around structures on slopes, to guide flood waters around and away from proposed structures.

#### **SECTION E. FLOODWAYS**

Located within areas of special flood hazard established in Article 3, Section B, are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles and erosion potential, the following provisions shall apply:

(1) Encroachments are prohibited, including fill, new construction, substantial improvements and other development within the adopted regulatory floodway unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base flood discharge.

(2) If Article 5, Section E (1) above is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Article 5.

(3) Under the provisions of 44 CFR Chapter 1, Section 65.12, of the National Flood Insurance Program Regulations, a community may permit encroachments within the adopted regulatory floodway that would result in an increase in base flood elevations, provided that the community **first** completes all of the provisions required by Section 65.12.

#### **SECTION F. SEVERABILITY**

If any section, clause, sentence, or phrase of this Order is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this Order.

#### **SECTION G. PENALTIES FOR NON-COMPLIANCE**

No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this court order and other applicable regulations. Violation of the provisions of this court order by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Any person who violates this court order or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$500 for each violation, and in

addition shall pay all costs and expenses involved in the case. Nothing herein contained shall prevent Grimes County Commissioners Court from taking such other lawful action as is necessary to prevent or remedy any violation.

Grimes County, acting through an attorney representing the County, is hereby authorized to file an action in a court of competent jurisdiction to:

- (1) Enjoin any person from violating the terms, conditions and restrictions of any permit issued under this chapter:
- (2) Enjoin the violation of the provisions of this chapter:
- (3) Recover civil penalties for violations of the terms, conditions and restrictions of any permit issued under this article;
- (4) Recover civil penalties for violations for conditions of this article; or
- (5) Recover damages from the owner of a site in an amount adequate for Grimes County to undertake any construction or other activity necessary to bring about compliance with this chapter.


Grimes County, acting through an attorney representing the County, is hereby authorized to enter into agreements in lieu of litigation to achieve compliance with the terms, conditions and restrictions of any permit issued under this article or the provisions of this article.

(c) The County Engineer is authorized to:

- (1) Whenever any work authorized by a permit is being performed contrary to the provisions of this chapter, or other pertinent laws or ordinances implement through the enforcement of this article, order the work (other than work to cure a violation) stopped by notice in writing served on any persons performing the work or causing the work to be performed. Any such persons shall forthwith stop the work until authorized by the County Engineer to proceed with the work.
- (2) At the time a stop order is issued, the person performing the work and the permit holder shall be given notice of the right to an appeal to the Hearing Examiner. Upon request, such a hearing shall be held within three business days unless the permit holder or person who was performing the work requests an extension of time. Any stop order that has been issued shall remain in effect pending any hearing that has been requested unless the stop order is withdrawn by the County Engineer.

**SECTION H. CERTIFICATION OF ADOPTION**

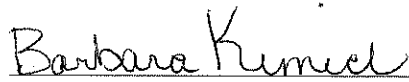
APPROVED:

  
\_\_\_\_\_  
Joe Fauth III  
Grimes County Judge

PASSED: January 21<sup>st</sup>, 2026

ORDER BECOMES EFFECTIVE: January 21<sup>st</sup>, 2026

I, the undersigned, County Clerk, do hereby certify that the above is a true and correct copy of an Order duly adopted by the Grimes County Commissioners Court, at a regular meeting duly convened on March 13, 2012.

  
\_\_\_\_\_  
Barbara Kimich  
Grimes County Clerk



**ORDER ESTABLISHING PROCEDURE FOR  
CONNECTION OF ELECTRIC UTILITIES  
IN THE UNINCORPORATED AREAS OF GRIMES COUNTY**

**STATE OF TEXAS           §  
COUNTY OF GRIMES     §**

BE IT REMEMBERED that on the 21<sup>st</sup> day of January, 2026, the Grimes County Commissioners Court convened in a duly called and noticed meeting.

WHEREAS, the Commissioners Court of Grimes County deems it critical to ensure that developments in the unincorporated area comply with local, state, and federal laws and regulations, which exist to protect the health, safety, and welfare of the public; and

WHEREAS, the Infrastructure Regulations approved June 23<sup>rd</sup>, 2025 and the Floodplain Regulations approved January 21<sup>st</sup>, 2026 require that development permits be obtained for certain developments in the unincorporated area; and

WHEREAS, the connection of electric utilities to a non-compliant development site or structure, and the resulting occupancy or public use of that site or structure, significantly increase the probability of injury, loss of life, and/or loss of property within or adjacent to that development site or structure; and

WHEREAS, immediate steps must be taken to ensure that the rapid growth and increasing development of the unincorporated areas of Grimes County do not create conditions that cause additional hazards in the unincorporate area.

NOW, THEREFORE, BE IT ORDERED by the County of Grimes, State of Texas that:

1. No person shall cause permanent electric utility service to be connected to any structure or any development site under their ownership or control until a Certificate of Compliance has been issued by Grimes County verifying compliance with Grimes County Regulations; and
2. The County Engineer shall coordinate with all providers of electric utility service in Grimes County to develop procedures for 1) Grimes County to make Certificates of Compliance available to electric utility service providers and 2) for electric utility

providers to notify Grimes County of any request to connect electric service when a Certificate of Compliance has not been issued by Grimes County; and


3. The County Engineer shall notify permit applicants of this Order in every permit application document and shall maintain a record of all Certificates of Compliance issued.

This Order is not meant to prohibit any electric service provider from providing permanent electric service to a structure or development site in accordance with the statutory requirements of the Texas Public Utility Regulatory Act or any rule of the Public Utility Commissioner of Texas.

All the provisions of this Order are hereby declared to be severable, and if any provision herein is judicially declared to be invalid or unconstitutional, such judicial declaration shall not invalidate or affect the remaining provisions of this Order which will remain in full force and effect.

PASSED and ADOPTED on this 21<sup>st</sup> day of January, 2026.

GRIMES COUNTY COMMISSIONERS COURT



Joe Fauth III  
Grimes County Judge

ATTEST:



Barbara Kimich  
Barbara Kimich  
Grimes County Clerk