

ORDINANCE NO. 12820

AN ORDINANCE ADOPTING AND ENACTING A MORATORIUM ON ACCEPTANCE, AUTHORIZATION, PERMITTING AND APPROVALS NECESSARY FOR THE CONSTRUCTION OR INSTALLATION OF ALL SIGNS REQUIRING A PERMIT WITHIN THE CITY OF ROPESVILLE AS CURRENTLY PROVIDED FOR IN ORDINANCE NO. 77 ADOPTED OCTOBER 10, 1978; PROVIDING EXEMPTIONS; PROVIDING FOR A TERMINATION DATE; PROVIDING FOR A PENALTY NOT TO EXCEED \$500.00; PROVIDING AN EFFECTIVE DATE; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR PUBLICATION.

WHEREAS, the City Council for the City of Ropesville, Texas pursuant to the laws of the State of Texas including, but not limited to, Texas Local Government Code § 51.012, has the authority to set forth ordinances and regulations and exercise its police powers for the public health, safety, morals, or general welfare of the citizens of the City of Ropesville; and

WHEREAS, the City Council has previously adopted regulations that govern the construction, location, and use of various types of signs in Ordinance 77 adopted October 10, 1978; and

WHEREAS, due to the change in development, materials and technology incorporated by such signs the City Council finds and determines that applying the existing ordinances are inadequate to prevent undue distractions for motorists, traffic hazards and continue to protect the City's goals and interests of protecting the balance of land uses with the City, as well as protecting the health, safety, and welfare of the citizens; and

WHEREAS, the City of Ropesville has the authority to regulate signs within its municipal limits as a Type A general-law municipality as mentioned above as well as through Chapter 216 of the Texas Local Government Code; and

WHEREAS, the City Council finds that to better understand the effects of the change in development, materials and technology with regard to the installation and erection of signs it is necessary to study and update the City's ordinances and to seek the input of council members, city staff and concerned citizens of the City of Ropesville regarding this issue; and

WHEREAS, the City Council of the City of Ropesville, finds and determines that preserving the status quo and establishing a ninety (90) day moratorium on the installation, construction, acceptance and approval of applications permitting the installation and placement of any signs currently requiring a permit by of the City of Ropesville Ordinance 77, is necessary, reasonable, in the best interest of the City and in the best interest of its citizens so that the City may review and consider changing sign technology, development and construction, and its impact on protecting the balance of land uses with the City, and the need to protect the health, safety, and welfare of the citizens.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROPESVILLE, THAT:

SECTION 1. The findings and recitals outlined above are found to be true, factual and correct and are hereby adopted and approved by the City Council and incorporated into this ordinance as though set forth fully herein.

SECTION 2. From and after the effective date of this ordinance, the City of Ropesville will not accept or authorize the construction, installation or permitting of any signs that require a permit under City of Ropesville Ordinance 77.

SECTION 3. This moratorium is effective period of ninety (90) days from the date this ordinance goes into effect. This moratorium shall automatically expire ninety (90) days from the final passage of this ordinance unless extended as provided for herein or upon final passage by the City Council of an amendment to the Code of Ordinances, City of Ropesville, Texas, as it applies to signs governed by City of Ropesville Ordinance 77, whichever occurs first.

SECTION 4. The City may grant special exceptions to this moratorium for the following reasons:

(A) Undue Hardship

Exceptions may be granted for an undue hardship following a public hearing before the City Council and the City Council determines in writing that one or more of the conditions listed below are satisfied:

- (1) The applicant shall otherwise suffer undue hardship, that being something beyond or in addition to financial hardship;
- (2) The current regulations are adequate to address the particular use or construction proposed by the applicant;
- (3) It is in the public interest to allow a limited exception to the temporary moratorium in the particular instance; and
- (4) Authorizing the special exception will not adversely impact neighboring properties.

(B) Pending Projects

Any complete applications for permits for a proposed sign project on file with the City, and all other appropriate regulatory agencies, and with all related permit fees remitted to the City in full on or before the Effective Date of this moratorium are excepted from this moratorium.

SECTION 5. If the City Council determines that this ninety (90) day moratorium period is insufficient for the City to fully complete the process of reviewing and amending as necessary the Code of Ordinances as it relates to signs, this Ordinance may be renewed for an additional period of time, not to exceed ninety (90) days, upon a majority vote of the City Council.

SECTION 6. Penalty. Any person found in violation of any provision of this Ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not exceeding five hundred dollars (\$500.00) per violation.

SECTION 7. Civil Remedies. The City shall have the power to administer and enforce the provisions of this ordinance as may be required by governing law and any person found violating any provision of this ordinance is subject to any and all legal and equitable remedies available to the City including but not limited to injunctive relief and bringing civil action with a court with competent jurisdiction.

SECTION 8. Effective Date. This ordinance shall take effect immediately from and after its passage and publication as may be required by governing law.

SECTION 9. Severability. Should any paragraph, section, sentence, phrase, clause or word of this ordinance be declared unconstitutional or invalid for any reason, the remainder of this ordinance shall not be affected thereby and shall remain in full force and effect.


SECTION 10. Publication. The City Secretary of the City of Ropesville is hereby authorized and directed to cause publication of the descriptive caption of this Ordinance as an alternative method provided by law.

Passed and approved this 8 day of December, 2020.



Brenda Rabel, Mayor

ATTEST:



Delia Cruz, City Secretary

ORDINANCE NO. 77

AN ORDINANCE REGULATING THE SIZE, LOCATION AND CONTENT OF OUTDOOR ADVERTISING WITHIN THE CITY OF ROPESVILLE, TEXAS; PROVIDING FOR NOTICE TO OWNERS OF EXISTING OUTDOOR ADVERTISING AND MAKING IT UNLAWFUL TO CONSTRUCT OR PERMITTING TO REMAIN UPON PRIVATE OR PUBLIC PROPERTY WITHIN THE CITY OF ROPESVILLE, TEXAS, ANY BILLBOARD OR OTHER MANNER OF OUTDOOR ADVERTISING PROHIBITED HEREIN; PROVIDING FOR APPLICATIONS TO SECURE PERMITS FOR OUTDOOR ADVERTISING; PROVIDING A PENALTY; AND PROVIDING A SAVINGS CLAUSE.

WHEREAS, the City Council of the City of Ropesville, Texas, finds existing outdoor advertising, as that term is defined herein, that is detrimental to the public safety, convenience, comfort, and general welfare and wishes to prevent the construction of further outdoor advertising which would be detrimental to the public safety, convenience, comfort and general welfare; NOW THEREFORE;

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROPESVILLE:

SECTION 1: Short Title

(a) This Ordinance may be cited as "Outdoor Advertising Ordinance".

SECTION 2: The following terms whenever used or referred to in the Ordinance shall have the following respective meaning unless a different meaning clearly appears from the context:

- (a) City shall mean the City of Ropesville, Texas.
- (b) City Council shall mean the duly elected and presently constituted body of City Councilmen.
- (c) Outdoor Advertising shall mean any symbol, sign, picture or wording visible to the public, including, but not limited to billboards, whether free-standing or attached to a structure, temporarily or permanently constructed so as to be plainly visible from the public streets within the confines of the City of Ropesville, Texas.
- (d) Owner shall mean the individual, association, club organization, or business entity which caused the outdoor advertising to be constructed and may or may not include the purchaser of the materials used to erect such outdoor advertising; may or may not be the owner of the property on which such outdoor advertising is situated and may or may not be the person, product or business entity to which the outdoor advertising refers.

SECTION 3: It shall be unlawful for any individual, association, club organization, or business entity to cause to be constructed upon private or public property within the City of Ropesville, Texas, any billboard or other manner of outdoor advertising without first having obtained a permit as provided herein.

SECTION 4: Whenever an individual, association, club organization or business entity wishes to construct outdoor advertising within the City of Ropesville, Texas, it will be required that an application form be obtained from the City Secretary of the City of Ropesville, Texas, which shall be completed by the owner stating in detail the contemplated size, location and content of the outdoor advertising. Such application form shall be signed and returned to the office of the City Secretary and the application form shall be submitted to the City Council of the City of Ropesville, Texas, for their approval or rejection at the next regularly convened meeting of the City Council. That a majority of the City Council present at such regularly convened meeting of the City Council, but not less than a quorum, shall act on such application and note thereon whether the application is approved or denied. That the criterion to be used by the City Council in determining whether or not the application will be approved will be as follows:

1. Location and proximity to street and likelihood that the outdoor advertising will obstruct public view and be a safety hazard to drivers of motor vehicles.
2. The likelihood that the outdoor advertising structure could cause injury to pedestrians or property damage upon it being blown down.
3. The likelihood that the billboard would tend to gather refuse and paper, thereby causing a fire hazard, health hazard and public nuisance.
4. That the content of such outdoor advertising is likely to offend public morals and serves no legitimate advertising or informative purpose.
5. That the outdoor advertising contains immoral or indecent words or pictures which are likely to offend the public morals.

SECTION 5: That upon the application being submitted to the City Council for their approval or rejection and upon the approval of such application a permit shall be issued signed by the Mayor of the City of Ropesville, Texas permitting the construction of such outdoor advertising and providing that the permit shall exist for a period of 48 months. At the expiration of the 48 month period a like application must be resubmitted to the City Council for their continued approval. Upon receipt of a written request by the applicant or any other person(s), the City Council shall allow such applicant or any person(s) interested therein to be heard at a public hearing to be held in conjunction with the regularly convened meeting of the City Council.

SECTION 6: As to outdoor advertising existing at the time of the passage of this Ordinance, it is provided that upon notice from the City Council of the City of Ropesville, Texas, properly addressed and mailed by Certified or Registered mail to the owner of such outdoor advertising that such owner shall, within a period of thirty (30) days from the receipt of such notice, submit its application to the City Council of Ropesville, Texas, for approval, as in cases of outdoor advertising to be constructed after the passage of this Ordinance. In the event an application for such outdoor advertising is not received by the City Council within thirty (30) days from the date of proof of receipt of the notice to the owner from the City Council, such outdoor advertising shall be treated by the City Council as in violation of this Ordinance, the same as if application had been made and was rejected. If the City Council of the City of Ropesville, Texas, denies the application of any existing outdoor advertising, the owner thereof shall have three (3) months from date of the rejection in which to cause the removal of such existing outdoor advertising. It shall be unlawful and a violation of this Ordinance for any such owner to fail or refuse to comply with the filing of an application form as herein provided for or fail or refuse to comply with the removal of such existing outdoor advertising within the time provided for in this Ordinance. Any person whose application for a permit has been rejected may, at any time, make application for a re-inspection for the purpose of a written request including a statement signed by the applicant that in his opinion the conditions causing refusal of the permit have been corrected, the City Council shall cause to be made a re-inspection. If the applicant has complied with the intent of this Ordinance, the permit shall be issued.

SECTION 7: The City Council may from time to time designate and authorize a person to cause to be inspected the outdoor advertising exhibited within the corporate limits of the City of Ropesville, Texas, and make a report thereof to the City Council to determine compliance with the provisions of this article.

SECTION 8: Any person who shall violate any of the provisions of this article shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than \$200.00. In addition thereto, such person may be enjoined from continuing such violation. Each day upon which such a violation occurs shall constitute a separate violation.

PASSED AND APPROVED this 10 day of October, ¹⁹⁷⁸~~1975~~

N J Green
Mayor

MAYOR

ATTEST: Ann Suter 1978

Ann Meltzer (1999)
CITY CLERK