

ORDINANCE NO. 99

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 refuge 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 approval of the outdoor advertising. Within ten (10) days following receipt 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, <sup>1978</sup>~~1975~~

N J Green  
Mayor

MAYOR

ATTEST: Ann Duter 1978

Ann Miltner (1999)  
CITY CLERK