

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.

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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 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