Motion was made by Mr. Charles Moore, seconded by Mr. Dale Evans

That the following Ordinance be passed:

ORDINANCE NO. 2005-298

AN ORDINANCE BY THE CITY COUNCIL OF CITY OF PANORAMA VILLAGE, TEXAS, MAKING IT UNLAWFUL TO PLACE ANY SIGN, POSTER, ADVERTISEMENT, BILL, PLACARD, NOTICE OR HANDBILL ON ANY STREET, PUBLIC RIGHT-OF-WAY, SIDEWALK, ALLEY, GOLF CART PATH, OR PUBLIC EASEMENT IN THE CITY OF PANORAMA VILLAGE, TEXAS; ON OR AGAINST ANY POLE, POST, TREE OR OTHER REAL OR PERSONAL IMPROVED OR UNIMPROVED PROPERTY LOCATED THEREIN, OR ON ANY VEHICLE IN SUCH MANNER IT MAY BECOME LOOSE AND FALL OFF; OR TO POST, PAINT OR OTHERWISE EXHIBIT ANY ADVERTISEMENT, POSTER BILL, OR OTHER NOTICE OR SIGN ON ANY FENCE, BULLETIN BOARD OR OTHER PROPERTY NOT OWNED BY THE POSTING PARTY; OR TO TEAR DOWN SUCH; PROVIDING DEFINITIONS; PROVIDING FOR REGULATION OF SIGNS ON PRIVATE REAL PROPERTY; PROVIDING FOR EXCEPTIONS; PROVIDING FOR ENFORCEMENT BY CITY POLICE AND CITY EMPLOYEES; PROVIDING A $500.00 PENALTY, AND PROVIDING FOR A SAVINGS CLAUSE; REPEALING ORDINANCE NO. 74-41 AND CONFLICTING ORDINANCES; PROVIDING TEXAS OPEN RECORDS CLAUSE; AND PROVIDING EFFECTIVE DATE AFTER PUBLICATION.

WHEREAS, the City Council of Panorama Village, Texas finds and determines that the location of signs within and adjacent to public streets, roads and alleys, and at the intersection thereof constitutes an obstruction to the vision of drivers of motor vehicles and a menace and a nuisance to both vehicular and pedestrian traffic upon the public streets, requiring the adoption of reasonable regulations in the interest of the public health, safety and welfare; and

WHEREAS, the City Council finds and determines that temporary signs of lightweight nondurable materials are subject to rapid deterioration and, if not removed within a reasonable period of time following placement, constitute a source of litter and debris hazardous to and a nuisance to vehicular traffic upon the public streets and creating visual blight to public and private property, offensive to community standards; and

WHEREAS, the City Council finds and determines that the continued display of special event signs following the conclusion of the event thereby advertised serves no useful purpose and constitutes visual blight and nuisance offensive to community standards; and

WHEREAS, Section 217.002 of the Texas Local Government Code authorizes a general law municipality to define and declare what constitutes a nuisance; to abate and remove a nuisance; and to punish by fine a person responsible for a nuisance; and

WHEREAS, the City Council further finds and determines that the regulations hereby adopted directly advance implementation of substantial governmental interest and reach no further than necessary to accomplish such objectives;

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PANORAMA VILLAGE, TEXAS THAT:

SECTION 1.
Definitions

As used in this Ordinance the following terms shall have the following meanings:

Garage sale shall mean and include any private sale of merchandise or other personal property to the public which is held by the home owner in his garage, in his yard, or elsewhere on his property.

Political sign shall mean any sign that contains primarily a political message.

Right-of-way shall mean the area lying within the dedicated or pubic easement of any street, road or alley located within the City, whether improved or not, including the public sidewalks, golf cart paths, ditches, drains, medians and esplanades thereof.

Sign shall mean any outdoor structure or display, billboard, light device, figure, poster, placard, handbill, flyer, painting or other similar object in any form whatsoever which contains printed or written matter in words, symbols, pictures, or any combination thereof, including, but not limited to, signs displaying political or commercial advertising, which is designed, intended or used to advertise or inform.

Special event sign shall mean any temporary sign which shall advertise or promote any meeting, event, gathering, function, entertainment or other activity scheduled for a particular date or series of consecutive days.

Temporary sign shall mean any sign not exceeding five (5) square feet in face size which is constructed of cloth, canvas, light fabric, cardboard, wallboard, or other light materials and is not permanently affixed to realty.

SECTION 2.

Unlawful Placing Signs, Etc., on City Streets, Etc.

It shall be unlawful for any person to place or cause to be placed in or on any street, golf cart path, sidewalk, alley or other public right-of-way in the City, or on or against any pole, post, tree or other property located in the street, public right-of-way, or sidewalk area, any sign, poster, advertisement, bill, placard, notice or handbill, or to place the same in any street, sidewalk, alley or public right-of-way, or on any car or other vehicle in such a manner that the same may reasonably be expected to become loose and blow about upon the streets, sidewalks, public right-of-ways or private property of the City.

SECTION 3.

Exceptions

Provided, however, that the foregoing Section shall not apply to the following:

1) SIGNS PLACED BY GOVERNMENT EMPLOYEES

   Any notice, signs or posters placed on or against any tree, post, pole, vehicle or other property in any street, sidewalk, alley or right-to-way, or other public area by any city, county, or other authorized government employee, in the performance of his/her official duties and functions.

2) TEMPORARY DIRECTIONAL SIGNS

   Directional special event signs may be temporarily placed on a public right-of-way for one day before the special event and the day of the special event. The address of the person or concern hosting the special event must be on each sign.

3) LOST PET SIGNS

   Temporary signs advertising a lost pet may be posted for no more than ten (10) days. The address of the owner of the lost animal must be on each sign.

SECTION 4.
Signs on Improved and Unimproved Real Property

1) SIGNS ON UNIMPROVED PRIVATE REAL PROPERTY

The only sign that may be placed on any private unimproved real property is a "For Sale" sign with the address of the person or concern offering the property for sale.

2) SIGNS ON IMPROVED PRIVATE REAL PROPERTY

a. On any improved private real property, there may be placed one of the following special event signs:

"Garage Sale", "Open House", "Lost Pet", "For Sale", "For Rent", or "For Lease" signs, or other temporary sign, with the address of the person or concern to contact, which shall contain an area not to exceed five (5) square feet; provided:

(i) Any "Garage Sale" sign may not be displayed more than one day before the sale and must be removed no later than one day following the sale.

(ii) "Lost Pet" signs may not be posted for more than ten (10) days.

b. Exception. A golf course lot may have a second "For Sale", "For Rent", or "For Lease" sign facing the golf course.

3) TEMPORARY SIGNS ADVERTISING CONSTRUCTION BUSINESSES

Signs advertising builders and other construction contractors building, remodeling, or repairing a building or pool on private real property may advertise with a sign in the front yard only during the duration of the construction.

4) POLITICAL SIGNS ON PRIVATE REAL PROPERTY;

On private real property, political signs may be placed with the consent of the property owner; provided that this exception does not apply to a sign that:

a) Has an effective area greater than 36 square feet;
b) Is more than eight (8) feet high;
c) Is illuminated; or
d) Has any moving elements.

SECTION 4.

Unlawful Placing Any Advertisement Etc., on Property of Others

It shall be unlawful for any person to post, paint or otherwise exhibit any advertisement, poster, bill or other notice or sign, except any notice or sign ordered posted by a Court of Law, on any building, fence, bulletin board or other property not belonging to or controlled by him, without the permission of the person owning or controlling the same.

SECTION 5.

Unlawful to Tear Down Any Notice, Etc. on Property without Consent of Owner

Subject to Section 6 below, it shall also be unlawful for any person to tear down, remove or otherwise interfere with any such notice, sign, advertisement, bill or poster put up by another on private property, without having obtained permission to do so, unless the same be on his separate property.

SECTION 6.

City Employee to Remove Signs, Etc.

1. SIGNS TO BE REMOVED AFTER THIRTY (30) DAYS.

   A City official, police officer or utility employee on or after thirty (30) days from date of passage of this Ordinance, shall remove all notices, signs, placards, handbills, posters or advertising data remaining on trees, posts, poles, and vehicles in the City streets, sidewalks, alleys and right-of-ways in violation of the Ordinance, and dispose of same.

2. REMOVAL OF FUTURE SIGNS.

   A City official, police officer or utility employee shall remove any notices, signs, posters, placards, handbills, or any other advertising data attached to, on or against any pole, post or tree in any street, sidewalk, trees or other public areas in the City, which are in violation of this Ordinance.

SECTION 7.

Punishment

Any person, firm or corporation violating any provisions of this Ordinance shall be punished by a fine of not more than Five Hundred Dollars ($500.00).

SECTION 8.

Repealing Clause

City Ordinance 74-41, dated October 23, 1974, and all other Ordinances, or parts of Ordinances and motions in conflict with the provisions of this Ordinance are hereby expressly repealed.

SECTION 9.

Savings Clause

If any part or parts of this Ordinance shall be held unconstitutional, such unconstitutionality shall not affect the validity of the remaining parts of this Ordinance. It is hereby declared that the remaining parts of this Ordinance would have been ordained and passed had it been known that such part or parts thereof would be declared unconstitutional.

SECTION 10.

Texas Open Meetings Act Clause

It is hereby officially found and determined that the meeting at which this Ordinance was considered was open to the public as required and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code.

SECTION 11.

Effective Date

This Ordinance and each Section hereof shall take effect and be in full force from and after its passage and publication as provided by law.

Passed and approved this 25th day of October , 2005.

Howard Kravetz, Mayor

ATTEST:

Lisa Evans, City Secretary

APPROVED AS TO FORM:

Larry L. Foerster, City Attorney