

ORDINANCE NO. 2006-04-03

AN ORDINANCE OF THE CITY OF WESTON, TEXAS AMENDING ORDINANCE NUMBER 02-02-01 OF THE CITY; PROVIDING FOR THE EXTENSION OF THE CITY'S OUTDOOR SIGN REGULATORY ORDINANCE TO THE AREA OF EXTRATERRITORIAL JURISDICTION; PROVIDING FOR MUNICIPAL ENFORCEMENT OF SAME; PROVIDING FOR REGULATIONS GOVERNING NON-CONFORMING SIGNS; PROVIDING FOR A PROHIBITION AGAINST BILLBOARDS; PROVIDING FOR DEFINITIONS; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A PENALTY CLAUSE; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Weston, Texas is a Type A general-law municipality located in Collin County, created in accordance with the provisions of Chapter 6 of the Local Government Code and operating pursuant to the enabling legislation of the State of Texas; and

WHEREAS, Ordinance Number 02-02-01 regulates the use, materials, construction, location, number, maintenance, and permitting of signs and sign structures within the City; and

WHEREAS, Section 216.902 of the Texas Local Government Code permits a

municipality to extend the provisions of its outdoor sign regulatory ordinance and enforce the ordinance within its area of extraterritorial jurisdiction as defined by Chapter 42 of the Texas Local Government Code; and

WHEREAS, the City Council desires to extend the provisions of the City's outdoor sign regulatory ordinance to the City's extraterritorial jurisdiction, and finds that such extension will serve to preserve locally recognized values of community appearance, protect public investment in and the character of public thoroughfares, aid in the attraction of shoppers and visitors, reduce hazards to motorists and pedestrians, and enhance the aesthetic beauty of the area.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WESTON, TEXAS:

SECTION 1.

A. All provisions of this Ordinance Number 02-02-01, the City's outdoor sign regulations, are hereby extended to the City's extraterritorial jurisdiction.

B. These regulations shall automatically apply to any future territory brought within the City's extraterritorial jurisdiction, in accordance with the provisions of Chapter 42 of the Texas Local Government Code, on the effective date such territory becomes part of the City's extraterritorial jurisdiction.

C. Any sign lawfully existing or under construction in the City's extraterritorial jurisdiction on the effective date of this ordinance that does not conform to one or more provisions of Ordinance Number 2002-02-01 may be continued in operation and maintained as a legal nonconforming sign. Notwithstanding the foregoing, a nonconforming on-premise sign or sign structure shall be removed by the owner thereof on the one year anniversary of the date the business, person,

or activity that the sign or sign structure identifies or advertises ceases to operate on the premises on which the sign or sign structure is located. If the premises containing the sign or sign structure is leased, the required removal shall be no sooner than the two year anniversary after the date the most recent tenant ceases to operate on the premises. Required removal of a sign under this subsection C. shall not entitle the owner to compensation, monetary or otherwise, from the City.

SECTION 2.

A. Billboards are hereby prohibited within the City and its extraterritorial jurisdiction.

B. A *Billboard* is defined as "a freestanding sign containing at least one hundred twenty-eight (128) square feet of face area and containing or intended to contain a commercial message".

C. A *Commercial Message* is defined as "a message placed or caused to be placed before the public by a person or business enterprise directly involved in the manufacture or sale of the products, property, accommodations, services, attractions, or activities or possible substitutes for those things, which are the subject of the message and that:

- (i) refers to the offer for sale or existence for sale of products, property, accommodations, services, attractions, or activities; or
- (ii) attracts attention to a business or to products, property, accommodations, services, attractions, or activities that are offered or exist for sale or for hire”.

SECTION 3. CUMULATIVE CLAUSE

This ordinance shall be cumulative of all provisions of ordinances of the City of Weston, Texas, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed.

SECTION 4. SEVERABILITY CLAUSE

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs, and sections of this ordinance are severable, and if any phrase, clause sentence, paragraph or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

SECTION 5. SAVINGS CLAUSE

All rights and remedies of the City of Weston are expressly saved as to any and all violations of the provisions of the ordinances of the City of Weston affecting signs or sign structures which have accrued at the time of the effective date of this ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this ordinance but may be prosecuted until final disposition by the courts.

SECTION 6. PENALTY

Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this ordinance shall be fined not more than Five Hundred Dollars (\$500.00) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

SECTION 7. PUBLICATION

The City Secretary of the City of Weston is hereby directed to publish caption, penalty clause and effective date clause in the official newspaper at least once within ten (10) days after the passage of this Ordinance.

SECTION 8. EFFECTIVE DATE

This ordinance shall be in full force and effect from and after its passage and publication as required by law, and it is so ordained.

PASSED AND APPROVED this the 11th day of April 2006.

Patti Harrington
Patti Harrington, Mayor



ATTEST:
Susan M Coffey
Susan M Coffey, City Secretary