

**ORDINANCE NO. 244**

**AN ORDINANCE OF THE CITY OF UHLAND, TEXAS; AMENDING ORDINANCE NO. 147, "AN ORDINANCE AMENDING THE CITY OF UHLAND ORDINANCE NO. 28"; PROVIDING FOR A REPEALER, SEVERABILITY AND AN EFFECTIVE DATE.**

**WHEREAS**, pursuant to Texas Local Government Code Section 51.001, the City has general authority to adopt an ordinance or police regulation that is for the good government, peace or order of the City and is necessary or proper for carrying out a power granted by law to the City; and

**WHEREAS**, pursuant to Chapter 216 of the Texas Local Government Code, the City has the authority to regulate signs; and

**WHEREAS**, the City Council finds that it is necessary to and proper for the good government, peace and order of the City of Uhlend to amend the City's sign regulations in accordance with this ordinance; and

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

**A. FINDINGS OF FACT**

The forgoing recitals are incorporated into this Ordinance by reference as findings of fact of if expressly set forth herein.

**B. AMENDMENTS**

Only the sections and the subsections thereof which are identified herein of the City of Uhlend's Sign Ordinance shall be considered amended and or added, as appropriate, all other sections and subsections shall remain as written or previously amended. Where an amendment or addition is added to an existing section such amendment or addition is underlined herein and where a section is removed the word "delete" will follow the specific section or subsection number. Where a section or subsection is identified herein and 'delete' is not used, such existing sentences and language not identified shall remain unchanged. The City of Uhlend Sign Ordinance is amended as follows:

**Sec 01-11.1 New Signs**

New signs will follow the regulations of this Ordinance and shall be required to obtain appropriate permits per section 01-12.0.

**Division 2. Administration**

**Sec 01-12.0 Sign Permits**

3. Sign permit applications shall contain the following:
  - b. Appropriate fees as shown on the City of Uhlend's Fee Schedule
  - c. A dimensioned sign plan showing:

4. The following signs do not require a permit but are required to follow all other provisions and regulations of this ordinance:

Window signs

Residential yard signs

Movable signs

Political signs

5. The following signs are exempt from the provisions and regulations of this Ordinance:

I. Holiday and festival decorations, except as specifically regulated herein.

#### **Sec 01-12.1 Prohibited Signs**

1. The following signs are prohibited from instillation, construction, repair, alteration, or relocation within the City, except as otherwise permitted herein:

#### **Sec 01-12.2 Waivers**

1. A waiver request may be submitted for all regulations herein.
2. Waivers from the requirements of this Ordinance are subject to approval by the City Administrator.
4. The City Administrator may, at the City Administrator's sole discretion, place the waiver on the City's Planning and Zoning Commission agenda for review and approval.
5. DELETE

### **Section II. Sign Standards**

#### **Division 1. Definitions**

#### **Sec 02-21.0 Sign Types**

30. Residential Yard Sign – All residential yard signs shall be removed within 72 hours after the sale.

#### **Division 2. Wall Signs**

#### **Sec 02-22.0 Generally**

1. All wall signs on a building shall not take up more than thirty percent (30%) of the area of that elevation.

#### **Division 4. Other Signs**

#### **Sec 02-24.1 Signs in Public Rights-Of-Ways**

4. The process for right-of way agreement or license agreement shall be as follows:

- a. The application shall be submitted to the City Administrator or designee;
- b. Right-of-way sign applications shall be reviewed within thirty (30) days of the submission of a complete application; and
- c. The City Administrator may, at the City Administrator's sole discretion, place the application on the City's Planning and Zoning Commission agenda for review and approval.

5. Right-of-way signs shall not be placed in the right-of way along any residential property without the property owner's written consent. A residential property shall include all residentially zoned property, or agricultural property wherein a residence is located. Such consent shall become part of the application and agreement. This requirement of a residential property owner's consent shall not be waived by the City Administrator nor the Planning and Zoning Commission.

#### **Division 5. Temporary Signs**

##### **Sec 02-25.0 Generally**

1. All temporary signs shall require a permit except as exempted in Sec 01-12.0(4).

#### **Division 6. Supplementary Regulations**

##### **Sec 02-26.10 Examples of Sign Area Calculations**

- b. DELETE

##### **Sec 02-26.3 Enforcement & Maintenance**

3. If after three (3) days, the unsafe condition has not been corrected through repair or removal, the City Administrator or designee may cause the repair or removal of such sign, at the expense of the property owner or lessee. If the total costs are not paid in full within thirty (30) days of the repairs or removal, the amount owed shall be certified as an assessment against the property of the sign owner, and lien upon that property, together with an additional three percent (3%) penalty for collection as prescribed for unpaid real estate taxes.

##### **C. REPEALER**

To the extent reasonably possible, this Ordinance and Ordinances No. 28 and No. 147 are to be read together in harmony. However, all ordinances, or parts thereof, that are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the provisions contained herein.

##### **D. SEVERABILITY**

Should any of the clauses, sentences, paragraphs, sections or parts of this Ordinance be deemed invalid, unconstitutional, or unenforceable by a Court of law, or administrative agency with jurisdiction over the matter, such action shall not be construed to affect any other valid portion of this Ordinance.

**E. EFFECTIVE DATE**


This Ordinance shall be effective immediately upon passage and publication.

**F. PROPER NOTICE AND MEETING**

It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public, and that public notice of the time, place and purpose of said meeting was given as required by the Texas Open Meetings Act, Chapter 551 of the Texas Government Code. Notice was also provided as required by Chapter 52 of the Texas Local Government Code.

**PASSED AND APPROVED this 13<sup>th</sup> day of May, 2020.**

**Ayes: 5   Nays: 0   Abstain: 0**

  
Vicki Hunter  
Vicki Hunter, Mayor

**ATTEST:**

  
Karen Gallaher, City Administrator