

ORDINANCE NO. 1328-2021

AN ORDINANCE AMENDING ARTICLE 3.12, "SIGNS," OF THE RIVER OAKS CODE OF ORDINANCES THAT ADDED A NEW SECTION 3.12.138, "MURAL SIGNS," ESTABLISHING REQUIREMENTS FOR PERMITTING MURAL SIGNS ON BUILDINGS LOCATED WITHIN THE CITY LIMITS BY REVISING SECTION 3.12.138 "MURAL SIGNS" ADDING SECTION 3.12.138(i) "EXCEPTIONS"; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY FOR VIOLATIONS; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR A REPEALING CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of River Oaks, Texas is a home rule city acting under its Charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code; and

WHEREAS, the City of River Oaks currently has regulations in place governing the placement of signs; and

WHEREAS, wall signs painted directly upon, or affixed directly to, an exterior wall of a building can generally be for the purposes of decoration or artistic expression; and

WHEREAS, wall signs which can cover an entire elevation or side of a building can be of a particular size and contain text of a particular size or portion can create a nuisance to persons using the public rights-of-way by being a distraction to drivers or pedestrians and to occupants of adjacent and contiguous property due to their brightness, size, height, or movement, and potential detrimental impact to land or property values; and

WHEREAS, the City Council on June 22, 2021 adopted Ordinance # 1316-2021 that in their opinion was consistent with and beneficial to the community as a whole and promotes economic development and commercial revitalization in the City; and

WHEREAS, since its adoption on June 22, 2021 and after further review of the city council, it is the decision of the city council to revise the Code of Ordinances by adding Section 3.12.138(i) "Exceptions"; and

WHEREAS, with the adoption of this Ordinance, the former Ordinance # 1316-2021 shall be repealed in its entirety and replaced with this ordinance amending the River Oaks Code of Ordinances; and

WHEREAS, the City Council finds that the revisions to Section 3.12.138 "Mural Signs" is in the best interest of the health, safety and welfare of the citizens of River Oaks.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RIVER OAKS, TEXAS, THAT:

SECTION 1.

Division 6, "Prohibited Signs," of Article 3.12, "Signs," of Chapter 3, "Building Regulations" is hereby amended by adding Section 3.12.138, "Mural Signs," to now read as follows:

"Section 3.12.138 Mural signs

- (a) Definition. A mural sign means an attached sign painted directly upon, or affixed directly to, an exterior wall of a building generally for, but not limited to, the purposes of decoration or artistic expression.
- (b) Allowed; Permit required. Notwithstanding Section 3.12.083(b)(2), mural signs are permitted in the city limits under terms and limitations of this section so long as written permission of the property owner is obtained at the time of application the mural to the building. Notwithstanding Section 3.12.031(a), a permit is required for all mural signs.
- (c) Location. Mural signs are not permitted on any building within a residential zoning district.
- (d) Size. Mural signs are limited to only one side of the building up to 100 percent of the face of the exterior wall where the mural can be located.
- (e) Text and symbols. Text and symbols are limited to 20 percent of the size of the entire mural.
- (f) Number. One mural sign is allowed per building structure.
- (g) Maintenance. Mural signs shall be kept in good repair, free from paint chipping, peeling or fading. Mural signs found not to be in good repair must be removed or repaired within 90 days from the date upon which the property owner receives a written order to remove the mural sign from the Building Official. Should the mural sign not be removed or repaired within 90 days of notice by the City, the City reserves the right to remove the mural sign by painting over it with a color that approximates the color of the remainder of the structure or by other means appropriate to removal of the mural. If the City removes the mural sign, the property owner will be charged the cost of the removal. If payment of the cost of the removal has not been paid within 60 days, the City may place a lien against the property in the amount of the charge for the removal.
- (h) Illumination. Mural signs may be illuminated by external lighting cast onto the mural sign.
- (i) Exceptions. The following are not considered mural signs and are excepted from the provisions of this section:
 - 1. trompe l'oeil which is an artistic technique that, when applied to the façade of a building, uses realistic imagery to create the optical illusion that the

- façade exists in three dimensions rendering the façade comparable to the architecture of adjacent buildings;
2. murals or artwork placed on a building, fence, or wall used as a barrier or safety perimeter during construction of a building or other improvement;
 3. murals or artwork placed in the window of a building that is vacant or under construction;
 4. a mural placed on public property or a public improvement (including, but not limited to, a building, elevated water storage tank, bridge, etc.); and
 5. any mural sign that promotes the City of River Oaks and/or the Castleberry Independent School District (CISD) as determined by the City Manager.”

SECTION 2. CUMULATIVE

This Ordinance shall be cumulative of all provisions of the City Code and other ordinances of the City of River Oaks, Texas, except where the provisions of this ordinance are in direct conflict with the provisions of other ordinances, in which event the conflicting provisions of the other ordinances are hereby repealed.

SECTION 3. SEVERABLE

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 a phrase, clause, sentence, paragraph, or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality shall not affect 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 the unconstitutional phrase, clause, sentence, paragraph, or section.

SECTION 4. SAVINGS

All rights and remedies of the City of River Oaks are expressly saved as to any and all violations of the provisions of the City Code or any other ordinances regulating signs that 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 5. 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 no more than Five Hundred Dollars (\$500.00). Each day that a violation is permitted to exist shall constitute a separate offense.

SECTION 6. REPEALING CLAUSE

With the adoption of this Ordinance, Ordinance # 1316-2021 as adopted on June 22, 2021 is repealed in its entirety and replaced with this Ordinance as herein adopted on this date.

SECTION 7. PUBLICATION

The City Secretary of the City of River Oaks is hereby directed to publish the caption, penalty clause and effective date of this ordinance in the official newspaper of the City of River Oaks, as required by Section 5, Section 5.02(c) of the Charter of the City of River Oaks.

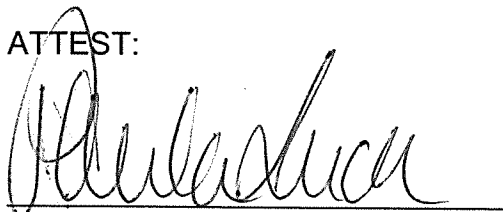
SECTION 8. EFFECTIVE DATE

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.

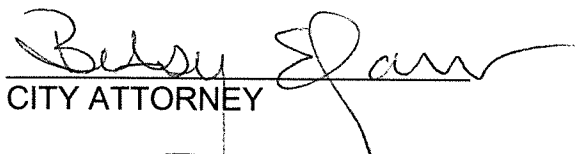
PASSED AND APPROVED ON THIS 12th DAY OF OCTOBER 2021.


MAYOR PRO-TEM

ATTEST:


CITY SECRETARY

APPROVED AS TO FORM AND LEGALITY:


CITY ATTORNEY