

ORDINANCE NO. 1219-2019

AN ORDINANCE OF THE CITY OF RIVER OAKS; CLARIFYING THE SIGN CHAPTER'S MESSAGE SUBSTITUTION LANGUAGE; AMENDING THE LANGUAGE OF SECTION 3.12.135 REGARDING POLITICAL SIGNS TO MAKE CONSISTENT WITH STATE LAW; 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 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, to comply with the First Amendment, the current ordinance has a provision to allow noncommercial messages to be on any sign in lieu of a commercial message; and

WHEREAS, the City Council deems it advisable to strengthen and clarify this provision to make clear it is also applied to allow substitution of any noncommercial message in the place of any other noncommercial message, and to make other clarifications; and

WHEREAS, the City Council finds that the amendment 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.

Section 3.12.009, "Noncommercial message," of Article 3.12 "Signs" of Chapter 3, "Building Regulations" is hereby amended to read as follows:

"Section 3.12.009 Noncommercial messages

"(a) Notwithstanding any other provision of this article, any sign that may display a commercial message may also display a noncommercial message, either in place of or in addition to the commercial message, so long as the sign complies with the other requirements of this ordinance and other city ordinances.

(b) Notwithstanding any other provision of this article, or other ordinance, any sign that may display one type of noncommercial message

may also display any other type of noncommercial message, so long as the sign complies with the other requirements of this ordinance and other city ordinances."

SECTION 2.

Section 3.12.135, "Political signs," of Article 3.12 "Signs" of Chapter 3, "Building Regulations" is hereby amended to read as follows:

"Section 3.12.135 Political signs

(a) A person commits an offense if the person erects or displays a political sign more than two (2) weeks before the commencement of early voting for an election or more than ten (10) days after the election or the sign is:

- (1) More than eight feet in height;
- (2) Has an effective area greater than 36 feet;
- (3) Is illuminated; or
- (4) Has any moving elements."

SECTION 3. 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 4. 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 5. 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 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 no more than Five Hundred Dollars (\$500.00). Each day that a violation is permitted to exist shall constitute a separate offense.

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 FEBRUARY 2019.


MAYOR

ATTEST:


CITY SECRETARY

APPROVED AS TO FORM AND LEGALITY:


CITY ATTORNEY