



ORDINANCE NO. 2018 - 3
AMENDING ORDINANCE 2001 - 7

AN ORDINANCE AMENDING THE CITY OF RIO GRANDE CITY'S ORDINANCES AT CHAPTER 5, ARTICLE 5-8 SIGNS BY AMENDING ARTICLE I, IN GENERAL, BY ADDING A TEMPORARY SIGN DEFINITION AND OTHER RELATED REQUIREMENTS FURTHER ENUMERATED BELOW; PROVIDING FOR AN EFFECTIVE DATE; PROVIDING FOR SEVERABILITY; AND ORDAINING OTHER PROVISIONS RELATED TO THE SUBJECT MATTER HEREOF.

WHEREAS, the Mayor and Commissioners seek to limit the visual blight from too many signs or dilapidated signs and preventing traffic safety issue by not allowing signs on public property or within public right-of-way; and

WHEREAS, Chapter 211 of the Texas Local Government Code, authorizes zoning functions and procedures for municipalities; and

WHEREAS, the Mayor and Commissioners have investigated and determined that it would be beneficial to the citizens of Rio Grande City to establish regulations governing temporary signs.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE CITY OF RIO GRANDE CITY, TEXAS, THAT:

Section 1: Chapter 5, Article 5-8 Signs, Article I. In General, is hereby amended and shall read as follows:

Section 5-8-1. Definitions [...]

Temporary Sign(s) mean a banner, poster, or advertising display constructed of paper, cloth, plastic sheet, cardboard, plywood, or other like materials that appears to be intended to be displayed for a limited period of time.

Sec. 5-8-9. Temporary Signs

(a) No Temporary Sign shall be allowed except for the following categories of signs that comply with the provisions of this chapter and obtained a valid temporary sign permit:

- (1) Not exceed five (5) feet from the property line;**
- (2) Not in public property, right-of-way or railroad right-of-way;**
- (3) Not within fifty (50) feet from the location of another temporary sign;**
- (4) Not greater than thirty-two (32) square feet of surface space;**
- (5) Not greater than ten (10) feet in height;**
- (6) No more than three (3) temporary signs, not to exceed thirty-two (32) square feet in size each, per lot may be located on the owner's property for a period of one hundred-twenty (120) days prior and seven (7) days after an election involving candidates for a federal, state, or local office that represents the area in which the property is located or an election that involves a measure on the ballot of an election within the area; and**

(7) No more than three (3) temporary signs on a lot where the owner consents and the property is being offered for sale or lease and up to seventy-two (72) hours after the property is sold or leased.

(b) Permit application fee. All permit applications must be submitted to the Planning Director or Building Official for a permit under this subsection and shall be accompanied by an application fee of \$25.00. Each applicant is limited to one active temporary sign permit. Businesses, groups and organizations submitting a permit application will be reviewed as one application. Approved permit applications will only allow a maximum of ten (10) signs for each permit.

(c) If after the seven (7) day tenure following the election or seventy-two (72) hours after the sale or lease of the property, these signs are not removed, then the city may seek legal recourse to remove these signs and impose a removal fee of \$25.00 per sign for signs that are less than thirty-two (32) square feet and \$100.00 per sign fee for signs that are over forty (32) square feet to the property owner.

(d) Code Enforcement will provide written notice to the property owner to cure or correct any sign found to be unsafe, insecure, or a menace to the public. If the owner fails to cure or correct, the Planning Director or Building Official will, in compliance with this ordinance and other state and federal laws, seek to have the offending sign(s) to be removed. The costs of removal will be assessed against the property owner and a lien will be filed in Starr County, unless payment is tendered within thirty (30) days. Property owner will also be responsible for any fees associated with litigation of the enforcement of this ordinance, as allowed by law.

(e) Signs confiscated by the City will be stored for ten (10) days, and may be claimed by the owner by the payment of \$5.00 per sign, to account for the costs associated with the City's storage of the same, plus any costs of removal. Any confiscated sign not claimed within ten (10) days may be destroyed.

Sec. 5-8-910. Conflict with other provisions.

If any portion of this chapter is found to be in conflict with any other provision of any building, fire, safety, or health ordinance of this Code, the provision, which establishes the higher standard, shall prevail.

Sec. 5-8-1011. Obligation of sign owner; penalty for violation of chapter; additional remedies.

(a) It shall be the obligation of any person owning a sign to inform the person leasing or renting such sign of the requirements set forth in this chapter. Any person renting or leasing a sign shall not be hereby absolved, however, of the responsibility to know and conform to the requirements of this chapter.

(b) Any person who shall violate any provision of this chapter or who shall fail to comply therewith or with any of the requirements thereof, shall for each and every

violation or noncompliance be deemed guilty of a misdemeanor and, upon conviction, shall be punished accordingly.

(c) The remedies provided in this section should not be construed as exclusive, and the city hereby provides that any other remedy available to it in the enforcement of this chapter, in law or in equity, is not intended to be, and if not, foreclosed by the provision of such remedies.

Section 2: A copy of this ordinance will be made available to the public through the City Secretary's Office. The fee requirements will be made available to the public through the City's Planning Director.

Section 3. Should any section or provision of this ordinance be declared by a court of competent jurisdiction to be invalid, that decision will not affect the validity of the ordinance as a whole or any part thereof, other than the part so declared to be invalid.

Section 4. This ordinance will take effect immediately from or after its passage, approval and adoption by the City Commission, following the second reading of this ordinance.

Section 5. The City Commission finds and determines that the meetings at which this ordinance was passed, approved and adopted were open to the public and that public notice of the time, place, and purpose of said meetings were duly given as required by the Texas Open Meetings Act.

PASSED AND APPROVED by the City Commission of Rio Grande City, Texas, at *first reading* on this 15th day of November 2018 during a regular meeting of the City Commission of Rio Grande City, Texas which meeting was held in compliance with the Open Meetings Act, Texas Government Code 551.001, *et Seq*, at which a quorum was present and voting.

PASSED AND ADOPTED by the City Commission of Rio Grande City, Texas, at *second reading* on this 12th day of December 2018 during a regular meeting of the City Commission of Rio Grande City, Texas which meeting was held in compliance with the Open Meetings Act, Texas Government Code 551.001, *et Seq*, at which a quorum was present and voting.



JOEL VILLARREAL, MAYOR
CITY OF RIO GRANDE CITY, TEXAS

ATTEST:


Lyzetta Pena, City Secretary

APPROVED AS TO FORM:

A handwritten signature in blue ink, consisting of several loops and a long horizontal stroke, positioned above a horizontal line.

Calixtro Villarreal, City Attorney