

ORDINANCE NO. 613

AN ORDINANCE CREATING CHAPTER 12 OF THE HOWE CODE OF ORDINANCES; PROVIDING FOR THE COMPREHENSIVE REGULATION OF SIGNS; PROVIDING FOR DEFINITIONS; PROVIDING FOR ADMINISTRATION AND ENFORCEMENT; PROVIDING FOR THE ISSUANCE AND REVOCATION OF SIGN PERMITS; PROVIDING FOR THE REMOVAL OF SIGNS; PROVIDING FOR APPEALS AND VARIANCES; PROVIDING FOR LIMITATIONS ON THE LOCATION, SETBACK, HEIGHT, SIZE, LIGHTING AND OTHER REGULATIONS OF SIGNS; PROHIBITING CERTAIN SIGNS; PROVIDING FOR EXEMPT SIGNS; ALLOWING NONCOMMERCIAL COPY ON SIGNS; PROVIDING REFERENCES TO BUILDING OFFICIAL; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY FOR VIOLATIONS HEREOF; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Howe finds that the uncontrolled proliferation of signs is hazardous to users of streets and highways within the City of Howe and will adversely affect the safety and efficiency of the City's transportation network; and

WHEREAS, the City Council further finds that scenic resources are distributed throughout the City and have contributed greatly to its economic development by attracting permanent residents and new businesses and cultural facilities; and

WHEREAS, the City Council further finds that unless the location, number, setback, lighting and size of signs are regulated, the scattering of such signs throughout the City would be detrimental to the preservation of those scenic resources and so to the economic base of the City; and

WHEREAS, the City Council has further determined that the proliferation of signs in the City has an adverse effect on adjacent properties; and

WHEREAS, the City Council has heretofore developed and adopted a comprehensive plan guiding the orderly and proper growth of the City in order to promote the public health, safety and welfare and aesthetics; and

WHEREAS, the City Council finds that the orderly and uniform regulation of signs is a substantial factor in guiding the attractive and aesthetic development of properties in accordance with the comprehensive plan and thereby avoiding detrimental impacts of signs on the appearance of the City; and

WHEREAS, the City Council further finds that the regulations adopted herein allow for a reasonable use of signs by businesses, residences and other properties for advertisement, dissemination of protected speech and other purposes; and

WHEREAS, the City Council finds that, in addition to the above findings, the adoption of this ordinance will serve the following purposes:

- To preserve, protect, and enhance areas of historical, architectural, cultural, aesthetic, and economic value regardless of whether they are natural or man made;
- To protect adjacent and nearby properties, in particular, residentially zoned properties from the impact of lighting, size, height, movement, and location of signs;

- To protect the safety and efficiency of the City's transportation network by reducing the confusion or distraction to motorists and enhancing the motorist's ability to see pedestrians, obstacles, other vehicles and traffic signs;
- To enhance the impression of the City which is conveyed to tourists and visitors by controlling the location, number, and size of signs;
- To prevent minors from viewing inappropriate content, images, messages and photographs;
- To integrate sign regulations more effectively with other regulations by establishing requirements for setbacks, height, and spacing to allow for lighting, ventilation, and preservation of views in a manner consistent with land uses in the various zoning districts;
- To preserve and enhance the appearance of the City and the public interest in aesthetics, and to control and reduce visual clutter and blight; and
- To provide institutional entities within the City the ability to communicate public events to the general public; and

WHEREAS, the City Council deems it necessary to adopt this ordinance in order to protect the health, safety, and welfare of the general public.

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

SECTION 1

Chapter 12 of the Howe Code of Ordinances is hereby created to read as set forth in Exhibit "A" attached hereto and incorporated by reference herein.

SECTION 2

That the term Building Official and Building Inspector may be used interchangeable or may be separated into separate offices as necessary for the efficient enforcement of city codes and ordinances.

SECTION 3

This ordinance shall be cumulative of all provisions of ordinances of the City of Howe, 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.

Nothing in this ordinance shall be construed so as to restrict expression of free speech protected under the United States Constitution and determined by courts of competent jurisdiction.

SECTION 4

It is hereby declared to be the intention of the City Council that 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

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 6

All rights and remedies of the City of Howe are expressly saved as to any and all violations of the provisions of any prior ordinance or any other ordinances affecting the regulation of signs 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 7

The City Secretary of the City of Howe is hereby authorized to publish this ordinance in book or pamphlet form for general distribution among the public, and the operative provisions of this ordinance as so published shall be admissible in evidence in all courts without further proof than the production thereof.

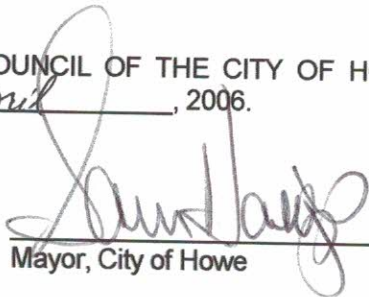
SECTION 8

The City Secretary of the City of Howe is hereby directed to publish this ordinance caption and penalty in the official City newspaper one time within ten days after passage of this ordinance.

SECTION 9

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.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF HOWE, GRAYSON COUNTY, TEXAS THIS THE 18th DAY OF April, 2006.



Mayor, City of Howe

ATTEST:



City Secretary