

ORDINANCE NO. 2010-03

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
TOMBALL, TEXAS, AMENDING CHAPTER 60, SIGNS, OF THE CITY'S
CODE OF ORDINANCES RELATING TO POLITICAL SIGNS;
PROVIDING A PENALTY OF UP TO \$2,000.00 FOR VIOLATIONS;
PROVIDING FOR THE PUBLICATION OF THIS ORDINANCE; AND
MAKING OTHER FINDINGS AND PROVISIONS RELATED THERETO.**

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Whereas the 78th Texas Legislature adopted Chapter 1004 relating to the regulation of political signs by a municipality; and

Whereas as codified by Texas Local Government Code §216.903 the Legislature restricted the City's authority to regulate certain signs that contain primarily a political message; now, therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TOMBALL, TEXAS:

Section 1. Subsection (2) of "**Section 60-7, "Miscellaneous Signs", (b) "Political Signs"**", of the Code of Ordinances, City of Tomball, Texas, is hereby amended to read as follows:

"(b) Political Signs. The following signs are are exempt from the permit requirements of this chapter:

A sign that contains primarily a political message and that is located on private real property with the consent of the property owner. Private real property does not include real property subject to an easement or other encumbrance that allows a municipality to use the property for a public purpose. Provided, however, the sign may not have a sign area greater than 36 square feet, be more than eight feet high, be illuminated or have a moving part. This subsection does not apply to a sign, including a billboard, that contains primarily a political message on a temporary basis and that is generally available for rent or purchase to carry commercial advertising or other messages that are not primarily political."

Section 2: All provisions of any ordinance in conflict with this Ordinance are hereby repealed, but such repeal shall not abate any pending prosecution for violation of the repealed ordinance, nor shall the repeal prevent a prosecution from being commenced for any violation if occurring prior to the repeal of the ordinance. Any remaining portions of said ordinance shall remain in full force and effect.

Section 3. Any person who shall violate any provision of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction shall be fined an amount not to exceed \$2,000.00. Each day of violation shall constitute a separate offense.

Section 4. In the event any section, paragraph, subdivision, clause, phrase, provision, sentence, or part of this ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Tomball, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, or whether there be one or more parts.

Section 5. This Ordinance shall become effective upon final reading and adoption of this Ordinance when the caption hereof is published once in the official newspaper of the City, by the City Secretary, as required by law.

FIRST READING:

READ, PASSED AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 15TH DAY OF FEBRUARY 2010.

COUNCILMAN QUINN	<u>AYE</u>
COUNCILMAN STOLL	<u>NAY</u>
COUNCILMAN WEBB	<u>AYE</u>
COUNCILMAN TOWNSEND	<u>AYE</u>
COUNCILMAN DRIVER	<u>AYE</u>

SECOND READING:

READ, PASSED AND ADOPTED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 1ST DAY OF MARCH 2010.

COUNCILMAN QUINN	<u>AYE</u>
COUNCILMAN STOLL	<u>NAY</u>
COUNCILMAN WEBB	<u>AYE</u>
COUNCILMAN TOWNSEND	<u>AYE</u>
COUNCILMAN DRIVER	<u>AYE</u>

Gretchen Fagan
Gretchen Fagan, Mayor

ATTEST:

Doris Speer
Doris Speer, City Secretary