

CERTIFICATE FOR ORDINANCE

I.

On the 12th day of March, 2015, the City Council of the City of Conroe, Texas, consisting of the following qualified members, to-wit: **Webb K. Melder, Mayor; Guy Martin, Mayor Pro Tem, Council Members Marsha Porter, Gil Snider, Seth Gibson and Duke Coon** did convene in public session in the Council Chambers of the City Hall at 300 West Davis in Conroe, Texas. The roll being first called, a quorum was established, all members being present except _____. The Meeting was open to the public and public notice of the time, place and purpose of the Meeting was given, all as required by Chapter 551, Texas Government Code.

II.

WHEREUPON, AMONG OTHER BUSINESS transacted, the Council considered adoption of the following written Ordinance, to-wit:

ORDINANCE NO. 2246-15

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CONROE, TEXAS AMENDING SECTION 90-16, CODE OF ORDINANCES, CITY OF CONROE, TEXAS TO EXTEND THE PROHIBITION ON OFF-PREMISE ADVERTISING SIGNS INTO THE EXTRATERRITORIAL JURISDICTION OF THE CITY OF CONROE; DECLARING CERTAIN EXISTING SIGNS TO BE NONCONFORMING USES; PROVIDING FOR ANNUAL REGISTRATION OF NONCONFORMING SIGNS; PROVIDING FOR A FINE NOT TO EXCEED \$500 UPON CONVICTION OF A VIOLATION THEREOF; PROVIDING FOR PUBLICATION EFFECTIVE DATE AND OTHER RELATED MATTERS

III.

Upon motion of Council Member Gibson, seconded by Council Member Porter, all members present voted for adoption of the Ordinance, except the following: _____. A majority of those Council Members present having voted for adoption, the presiding officer declared the Ordinance passed and adopted.

A true, full and correct copy of the Ordinance adopted at the Meeting is attached to and follows this Certificate.

SIGNED AND SEALED this 12th day of March, 2015.


SOCO M. GORION, Assistant City Secretary

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WHEREAS, outdoor advertising signs contribute to visual clutter and tend to deface nearby scenery, whether natural or built, urban or rural; and

WHEREAS, outdoor advertising signs, particularly including electronic variable message signs, pose a distraction to motor vehicle operators and increase the risk of accidents; and

WHEREAS, the preservation of a safe and visually attractive environment contributes to the preservation of property values and enhances the image of the community and aids in the attraction of new business and industry; and

WHEREAS, off-premise signs commonly referred to as billboards tend to be larger and more distracting than on premise signs; and

WHEREAS, the City Council has previously prohibited new off-premises signs within the corporate limits of the City; and

WHEREAS, TEX. LOC. GOV'T CODE § 216.902 authorizes the City Council to extend the ban on new off-premise signs into the extraterritorial jurisdiction of the City;

WHEREAS, the extension of the off-premise sign ban into the extraterritorial jurisdiction of the City is necessary to provide for the orderly development of the City and to prevent the proliferation of off-premise advertising signs in advance of annexation:

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

Section 1. That the recitals set forth in the preamble to this ordinance are hereby adopted as findings of the City Council.

Section 2. Section 90-16, Code of Ordinances, City of Conroe, Texas relating to off-premise signs is hereby amended by the deletion of the language in strikeout text and the insertion of the underlined text to read as follows:

Sec. 90-16 Off-premise signs prohibited.

(a) In this section:

- (1) "Off-premise sign" means an outdoor sign displaying advertising that pertains to a business, person, organization, activity, event, place, service or product not principally located or primarily manufactured or sold on the premises on which the sign is located. The term includes both static face signs and electronic variable message signs.*
- (2) "Advertising" means a message seeking to attract the public or to direct the attention of the public to any goods, services or merchandise.*
- (3) "Effective date" means the date that this section first became applicable to the territory in which an off-premise sign is located. This section became applicable within the corporate limits of the city on October 25, 2007 and within the extraterritorial jurisdiction of the city on March 12, 2015. The effective date of this section as to an expansion of its territorial application that results from an annexation or change in the extraterritorial jurisdiction of the city is the effective date of the annexation or change in the extraterritorial jurisdiction.*

(b) Off-premise signs are prohibited at all locations within the corporate limits or extraterritorial jurisdiction of the city. A person may not erect an off-premise sign at any location within the city.

(c) ~~The provisions of this section are prospective only and nothing herein shall be deemed to require the relocation, reconstruction or removal of any existing legal sign. An off-premise sign that is lawfully in existence on the effective date of this section may continue to display off-premise advertising and a change of the display from one advertisement to another shall not be deemed a violation of this section. An off-premise sign that was lawfully in existence on the effective date this section becomes applicable to the sign is a nonconforming use and the sign may remain in place and continue to display off-premise advertising. A nonconforming sign loses its nonconforming status and must be removed if the sign or a substantial part of it is blown down or otherwise destroyed or dismantled for any purpose other than maintenance operations or for changing the letters, symbols, or other matter on the sign.~~

(d) For the purposes of subsection (c), a sign or substantial part of it is considered to have been destroyed only if the cost of repairing the sign is more than 60 percent of the cost of erecting a new sign of the same type at the same location.

(e) On or before July 1 of each year the operator of a nonconforming off-premise sign existing within the corporate limits or extraterritorial jurisdiction must file a list of the operator's off-premise signs with the city's building official. The list must include the sign location, the number of faces, and the area and direction of each face along with the number of any state permit applicable to the operation of the sign.

Section 3. A violation of this ordinance shall be punishable upon conviction by a fine in any amount not to exceed \$500 as provided by Section 1-13, Code of Ordinances, City of Conroe, Texas.

Section 4. Wherever any provision of this ordinance provides for the amendment of the Code of Ordinances, City of Conroe, Texas such provision shall be liberally construed to provide for the codification of the specified provision and for such other provisions of the ordinance that the codifier in its discretion deems appropriate to codify. The codifier may change the designation or numbering of chapters, articles, divisions or sections as herein specified in order to provide for logical ordering of similar or related topics and to avoid the duplicative use of chapter, article or section numbers. Neither the codification nor any application of the codified ordinance shall be deemed invalid on the basis of a variance in the number or section of this ordinance and its codified provisions. The failure to codify the specified provisions of this ordinance shall not affect their validity or enforcement.

Section 5. The provisions of this ordinance are severable. If any provision of this ordinance or its application to any circumstance is held invalid, the invalidity does not affect other provisions or applications of this ordinance that can be given effect without the invalid provision or application.

Section 6. The changes made by this ordinance are prospective only and do not limit the right of the municipality to enforce prior ordinance provisions with respect to conditions which existed or conduct which occurred before this ordinance became effective, such prior law being continued in effect for this purpose.

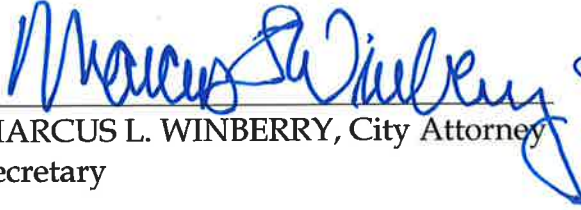
Section 7. The City Secretary shall cause the caption of this ordinance, including any penalty, to be published in a newspaper of general circulation within the City, such notice to be published at least twice with ten (10) days of the date of passage. The penal provisions of this ordinance shall be effective upon the tenth (10th) day following the date of its passage and publication as provided herein, otherwise this ordinance is effective immediately upon adoption.

PASSED AND ADOPTED this 12th day of March, 2015.


WEBB K. MELDER, Mayor

APPROVED AS TO FORM:

ATTEST:



MARCUS L. WINBERRY, City Attorney
Secretary



SOCO M. GORJON, Assistant City