

**ORDINANCE NO. 2021-27**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, AMENDING THE CODE OF ORDINANCES CHAPTER 21 (ENTITLED "SIGN REGULATIONS AND STANDARDS") SECTION 21-2 (ENTITLED "DEFINITIONS") BY ADDING A DEFINITION FOR "CITY PROPERTY" AND SECTION 21-12 (ENTITLED "PROHIBITED SIGNS") BY PROHIBITING UNAUTHORIZED SIGNS TO BE PLACED ON CITY PROPERTY AND AUTHORIZING THE REMOVAL OF CERTAIN PROHIBITED SIGNS; PROVIDING FOR PENALTY; PROVIDING CUMULATIVE, REPEALER AND SEVERABILITY CLAUSES; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE**

**WHEREAS**, City Council is authorized to license, regulate, control, or prohibit the erection of signs and billboards within its corporate boundaries and its extraterritorial jurisdiction pursuant to Texas Local Government Code Section 216.901(a), its inherent power and authority as a home rule municipality, and the constitution and laws of this state; and

**WHEREAS**, on the ninth day of February, 2021, City Council adopted Ordinance No. 2021-04 codifying the City's sign regulations in Chapter 21 of the City Code; and

**WHEREAS**, the property located at 118 E Polk St was acquired as the site for new City Hall Campus; and

**WHEREAS**, to protect the City Hall Campus site and other City properties from being blighted by commercial and political signs, City Council deems it appropriate to prohibit all such signage from such public property; and

**WHEREAS**, in order to protect the aesthetics of the City and the health, safety and welfare of its citizens from signage, blight City Council deems it appropriate to authorize the summary action to remove such signs placed on the public rights-of-way or City Property and

**WHEREAS**, City Council directs the regulations codified by this Ordinance in a content neutral manner; and

**WHEREAS**, City Council, finds, determines, and declares that publication of notice of this Ordinance, as required by Section 3.14 of the City Charter and the laws of the State of Texas, was made by the City Secretary within the period prescribed by Section 3.14; and.

**WHEREAS**, City Council, finds, determines, and declares that the meeting at which this Ordinance is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Ordinance, was given as required by Chapter 551 of the Texas Government Code.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, THAT:**

**Section one. Findings.** The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Ordinance for all purposes and are adopted as a part of the judgment and findings of the Council.

**Section two. Code Amendment.** The Code of Ordinances of the City of Burnet, Chapter 21 (entitled "*sign regulations and standards*") Section 21-2 (entitled "definitions") is hereby amended by adding the term "City Owned Property" follows:

City Owned Property. Real Property for which the City, or any sub-  
corporation of the City, is the title owner.

**Section three. Code Amendment.** The Code of Ordinances of the City of Burnet, Chapter 21 (entitled "*sign regulations and standards*") is hereby amended by adding a new Section 21-3 (entitled "Penalties") to read as follows:

**Sec. 21-3. Penalties.**

- (a) Whenever in this Chapter an act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, or wherever in Chapter the doing of an act is required or the failure to do any act is declared to be unlawful, the violation of any such provision of this Chapter shall be punished by a fine of not less than \$1.00 and not more than \$500.00; except a second and subsequent offense under Section 21-12 shall be punished by a fine of not less than \$200.00 and not more than \$500.00.
- (b) In addition to the criminal penalty prescribed in this Section the City may bring a civil action, as necessary, to enjoin any threatened violation of this Chapter for the protection of public health and safety.
- (c) The criminal penalty and civil remedies prescribed in this Section are cumulative and not exclusive.

**Section three. Code Amendment.** The Code of Ordinances of the City of Burnet, Chapter 21 (entitled "*sign regulations and standards*") Section 21-12 (entitled "*prohibited signs*") is hereby amended by recodifying the existing language, and adding the language that is underlined (underlined) and deleting the language that is stricken (~~stricken~~), as follows:

**Sec. 21-12. Prohibited signs.**

The following devices and locations are specifically prohibited within the city limits and extraterritorial jurisdiction:

(a) Prohibited signs subject to criminal penalty pursuant to Sec. 21-3 of this Chapter are as follows:

- (1) Cloth, paper, soft plastic or similar advertising signs or devices other than in rigid frames as provided herein except those intended as temporary signs, or as provided by subsection (75) of this section.
- (2) Signs that blink, flash, or are animated by lighting in any fashion that would cause such signs to have the appearance of traffic safety signs and lights, or municipal vehicle warnings from a distance, as determined by the code official.
- (3) Portable signs except as allowed for temporary signs.
- (4) Any sign attached to, or placed on, a vehicle or trailer parked on public or private property. The prohibition of this section does not prohibit the identification of a firm or its principal products on a vehicle operating during the normal course of business or being taken home.
- (5) Pennants, banners and private flags bearing any logo, product name, business name or other advertising, and balloons, except those temporarily attached to automobiles or temporarily displayed as part of a special sale, promotion or community event. For the purposes of this section, "temporary" means no more than 60 days in any calendar year.
- (6) Billboards in any zone other than the I-1 and I-2 zoning districts.
- (7) Blimps, dirigibles or other large balloon-like devices filled with lighter than air gases utilized as signage.

(b) Prohibited signs subject to criminal penalty pursuant to Sec. 21-3 of this Chapter and removal under this Section are as follows:

- (1) Signs located in such a manner as to obstruct or otherwise interfere with an official traffic sign, signal or device or obstruct or interfere with a driver's view of approaching, merging or intersecting traffic.
- (2) Except as provided for elsewhere in this section, signs encroaching upon or overhanging public rights-of-way. No sign shall be attached to any utility pole, light standard, street, tree or any other public facility located within the public right-of-way.
- (3) Signs placed on City Owned Property without prior written authorization of the City Council or the City Manager. It is the expressed intention of City Council that City Owned Property not become a "Public Forum"; and therefore, signs expressing a political viewpoint or supporting or opposing a specific candidate shall be prohibited on City Owned Property.

(c) Summary removal of prohibited signs.

- (1) The City, without prior notice to the owner of the sign, may remove a sign that is placed or maintained in violation of Section 21.12(b), above.
- (2) If the owner's identity and mailing address are displayed on the sign or are otherwise reasonably ascertainable, the City shall notify the owner in writing that the sign:
  - (A) has been removed; and
  - (B) may be disposed of unless the owner claims the sign on or before the 10th day after the removal date.
- (3) If the owner of the sign does not claim the sign on or before the 10th day after the removal date, the City may dispose of the sign.

**Note.** State law reference. Tex. Transp. Code§ 392.033

**Section four. Penalty.** A violation of this ordinance is unlawful and subject to penalty as prescribed herein.

**Section five. Cumulative.** This ordinance shall be cumulative of all provisions of all ordinances and codes, or parts thereof, except where the provisions of this Ordinance are in direct conflict with the provisions of such Ordinances, in which event section five shall apply.

**Section six. Repealer.** All ordinances and codes, or parts thereof, which are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters resolved herein.

**Section seven. Severability.** Pursuant to Code of Ordinances of the City of Burnet, Section 1-7, if any provision, section, sentence, clause or phrase of this Ordinance, or the application of same to any person or set of circumstances is for any reason held to be unconstitutional, void, invalid or unenforceable, the validity of the remaining portions of this Ordinance or its application to other persons or sets of circumstances shall not be affected thereby, it being the intent of the city council in adopting, and of the mayor in approving this Ordinance, that no portion of this Ordinance, or provision or regulation contained in this Ordinance, shall become inoperative or fall by reason of any unconstitutionality or invalidity of any other portion, provision or regulation.

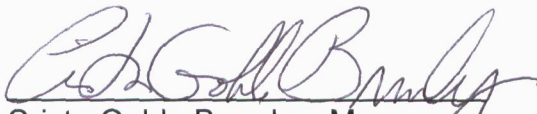
**Section eight. Publication.** The publishers of the City Code of Ordinances are authorized to amend said Code to reflect the changes adopted herein and to correct typographical errors and to format and number paragraphs to conform to the existing Code.

**Section ten. Effective Date.** This Ordinance shall be effective upon the date of final adoption hereof and shall apply to all applications for extension of electric service submitted after the effective date save and except for those applications for subdivision plats that have construction plans approved before the effective date.

Passed on first reading on the 12<sup>th</sup> day of April, 2022

Passed, Approved and Adopted to be Effective on second reading the 26<sup>th</sup> day of April, 2022

**CITY OF BURNET**

  
Crista Goble Bromley, Mayor

**ATTEST:**

  
Kelly Dix, City Secretary

