

ORDINANCE NO. 20201027-006

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ANGLETON, TEXAS, AMENDING CHAPTER 21.5 OF ANGLETON'S CODE OF ORDINANCES RELATING TO THE OBSTRUCTION OF SIGNS CAUSED BY TREES, SHRUBS, BUSHES, AND OTHER VEGETATIVE MATERIAL; PROVIDING A PENALTY; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, pursuant to Texas Local Government Code Chapter 51, the City Council has the general authority to adopt and publish an ordinance or police regulation that is for the good government, peace or order of the municipality and is necessary or proper for the carrying out a power granted by law to the municipality; and

WHEREAS, pursuant to Texas Local Government Code Chapter 217, the City Council has the general authority to identify, prevent and abate public nuisances; and

WHEREAS, Chapter 21.5 of Angleton's Code of Ordinances contains rules and regulations concerning signs; and

WHEREAS, the City Council finds that such rules and regulations should be updated to require that all trees, shrubs, bushes, or other vegetative material be maintained so as not to obstruct the view of any sign, and to provide a nine foot clearance above all signs; and

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

SECTION 1. All of the facts recited in the preamble to this Ordinance are hereby found by the City Council of the City of Angleton, Texas to be true and correct and are incorporated by reference herein and expressly made a part thereof, as if copied herein verbatim.

SECTION 2. Chapter 21.5 of Angleton's Code of Ordinances be amended to add the following Section 21.5-30 "View Obstruction of Signs":

"Sec. 21.5-30. View Obstruction of Signs

It shall be unlawful for anyone to maintain trees, shrubs or other vegetative material upon any sign without keeping the same properly trimmed so as to provide a minimum clearance of nine (9) feet measured from the terrain below the sign to the lowest limb, branch or part thereof, extending over the sign. It shall further be unlawful not to keep such trees, shrubbery or other brush sufficiently trimmed, pruned, or cut so that the same will not obstruct the view of any section of any sign."

SECTION 3. Any person who violates or causes, allows or permits another to violate any provision of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than five hundred dollars (\$500.00) unless such violation

is governed by fire safety, zoning, or public health and sanitation including dumping of refuse in which case the fine amount shall not be more than two thousand dollars (\$2,000.00), except where state law provides otherwise, in which case the range of fine shall be as provided by in such state law. Each occurrence of any such violation of this Ordinance shall constitute a separate offense. Each day on which any such violation of this Ordinance occurs shall constitute a separate offense.

SECTION 4. In the event any clause, phrase, provision, sentence or part of this Ordinance or the application of the same to any person or circumstances 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 Angleton, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any part thus declared to be invalid or unconstitutional, or whether there be one or more parts.

SECTION 5. This Ordinance shall become effective immediately and enforceable when published as required by law.

SECTION 6. It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public, and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Texas Government Code, Chapter 551.

SECTION 7. All other Ordinances or parts of Ordinances inconsistent or in conflict herewith are, to the extent of such inconsistency or conflict, hereby repealed.

PASSED AND APPROVED THIS THE 27th DAY OF OCTOBER 2020.

CITY OF ANGLETON, TEXAS

Jason Perez
Mayor

ATTEST:

Frances Aguilar, TRMC, CMC
City Secretary