



ORDINANCE NO. 1396

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CIBOLO, TEXAS AMENDING CHAPTER 58 – SIGNS TO FURTHER REGULATE ILLEGAL SIGNS AND PROVIDE FOR ENFORCEMENT OF EXISTING SIGN REGULATIONS; PROVIDING FOR UNLAWFUL ACTS AND EXEMPTIONS TO THE REGULATIONS; PROVIDING FOR A PENALTY FOR THE VIOLATION OF THIS ORDINANCE; PROVIDING FOR REPEALER AND SAVINGS CLAUSE; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the City Council for the City of Cibolo, Texas (“City”) acknowledges that Sec. 393.0025, Tex. Trans. Code, prohibits any person from placing a sign on the right-of-way (“ROW”) of a road or highway maintained by a municipality unless the placement is authorized by the municipality; and

WHEREAS, the City Council has determined that existing municipal regulations in Chapter 58 of the City’s Code of Ordinances do not provide adequate enforcement mechanisms to ensure compliance with state and local laws regarding the placement of signs in the public ROW; and

WHEREAS, the City Council finds that the amendments described herein are necessary and appropriate to establish adequate enforcement mechanisms to impose criminal and/or civil penalties, as applicable, upon the party or parties that may be ultimately responsible for a violation of the City’s sign regulations; and

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Cibolo, Texas that the following regulations and provisions be adopted:

SECTION 1: Findings. The recitals are hereby found to be true and correct and are hereby incorporated as part of this Ordinance.

SECTION 2: Amendments to Section 58-5. Section 58-5. – Definitions, in Chapter 58 – Signs, shall be amended to revise the definition for the term “Responsible Party,” which shall hereafter read as follows (deletions marked with strike-through and additions underlined):

CHAPTER 58-5. – SIGNS.

Sec. 58-5. Definitions.

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Responsible party. Any of the following shall be considered a responsible party, as applicable: any entity (individual person, corporation, organization, etc.) whose product, service, activity or enterprise is announced or advertised by a sign, or whose message is carried by a sign,

including other persons or entities acting on behalf of, at the direction of, or to primarily benefit said entity; the owner of the property upon which a sign is located; and/or the lessee/tenant of the property upon which a sign is located. the leaser of the property, and/or the owner of the sign.

SECTION 3: Amendments to Section 58-18. Section 58-18. – Enforcement, in Chapter 58 – Signs, shall be amended and shall hereafter read as follows (deletions marked with strike-through and additions underlined):

CHAPTER 58-5. – SIGNS.

Sec. 58-5.

- (a) *Violations.* Failure to comply with the provisions of this chapter shall constitute a violation of the city Code. Each day a violation exists shall constitute a separate violation and, consequently, a separate offense. Each responsible party may be charged separately for a violation of this chapter and, if convicted, be held individually liable for resulting civil and/or criminal penalties, as applicable and in accordance with other law. The primary beneficiary of any sign installed in violation of this chapter is, until proven otherwise, presumed to have authorized or caused the installation, use or maintenance of the sign in violation of this chapter and may be charged with an offense under this section.
- (b) *Penalties.* Any person or responsible party that violates ~~violating~~ any provision of this chapter may be ~~guilty of~~ charged with a misdemeanor and shall, upon conviction, be punished by a fine not to exceed \$500.00. An offense under this section is a Class C misdemeanor.
- (c) *Civil remedies.* The city manager may authorize the city attorney to file an action in a court with appropriate jurisdiction to seek civil remedies to require the demolition of any sign at the owner's expense which is dangerously damaged or deteriorated. The action may include a claim for civil penalties as provided by state law, including recovery of reasonable attorney's fees. Civil remedies contained herein shall be construed to be in addition to the power of the city to abate public nuisances.

[All remaining provisions of City Code shall remain unchanged]

SECTION 4. Penalty. It shall be unlawful to do or perform any act prohibited in this Ordinance, and it shall be unlawful to fail to do or perform any act required in this Ordinance. Any person violating any of the provisions of this article shall, upon conviction, be deemed guilty of a Class C misdemeanor, which shall be punishable by a fine of not more than Five Hundred Dollars (\$500.00) for each offense.

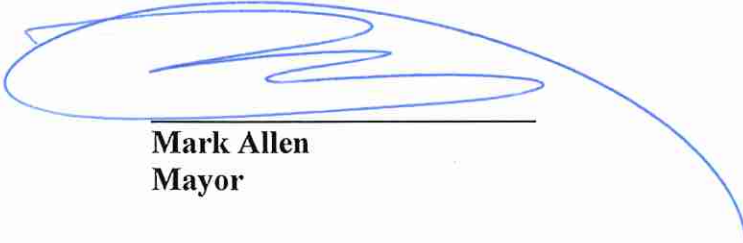
SECTION 5. Severability. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional or illegal, such decision shall not affect the validity of the remaining sections of this Ordinance. The City Council hereby declares that it would have passed this Ordinance, and each section, subsection, subsections, clauses, or phrase hereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared void.

SECTION 6. Repealer and Savings. All resolutions or ordinances or parts thereof conflicting or inconsistent with the provisions of this ordinance as adopted and amended herein, are hereby REPEALED to the extent of such conflict. In the event of a conflict or inconsistency between this

ordinance and any other resolution, code or ordinance of the City, or parts thereof, the terms and provisions of this ordinance shall govern.

SECTION 7. Effective Date. This Ordinance shall become effective only after publication twice in the newspaper designated as the official newspaper of the City as required by Section 3.13 (3) of the City Charter.

PASSED AND APPROVED ON THIS 11 DAY OF April, 2023.



Mark Allen
Mayor



ATTEST:



Peggy Cimics, TRMC
City Secretary

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