

**ORDINANCE NO. 2006-024**

**AN ORDINANCE OF THE VILLAGE OF WIMBERLEY, TEXAS AMENDING CHAPTER 152 SIGNS, SECTION 152.13 PREEXISTING NON-CONFORMING SIGNS OF THE CODE OF WIMBERLEY, TO ADD CLARIFICATION AND ADDITIONAL REGULATION OF SUCH SIGNS; AND PROVIDING FOR THE FOLLOWING: FINDINGS OF FACT; REPEALER; SEVERABILITY; EFFECTIVE DATE; AND PROPER NOTICE AND MEETING.**

**WHEREAS** the City Council of the Village of Wimberley ("City Council") seeks to provide for the orderly development of land within its corporate limits and its extraterritorial jurisdiction; and

**WHEREAS**, the City Council is authorized by the Texas Local Government Code, Chapter 211, to adopt zoning regulations; and

**WHEREAS**, the Code may be amended to supplement or change the regulations by order of the City Council; and

**WHEREAS**, the City Council held a public hearing on January 18, 2007 and February 1, 2007 regarding the amendments contained herein, in accordance with Section 155.109 of the Code.

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE VILLAGE OF WIMBERLEY, COUNTY OF HAYS, STATE OF TEXAS:**

**I. FINDINGS OF FACT**

All of the above premises are hereby found to be true and correct legislative and factual findings of the Village of Wimberley and are hereby approved and incorporated into the body of this ordinance as if copied in their entirety.

**II. AMENDMENTS**

A. That Title XV (Land Usage), Chapter 152 (Signs), Section 152.13 (A) (Preexisting Non-Conforming Signs) of the Code of Wimberley, shall be and hereby is amended to read as follows:

"(A) Any changes to a preexisting non-conforming sign, other than routine repair or maintenance, or as permitted herein, requires that said sign be brought into compliance with all applicable village ordinances."

B. That Title XV (Land Usage), Chapter 152 (Signs), Section 152.13 (Preexisting Non-Conforming Signs) of the Code of Wimberley, shall be and hereby is amended to added subsections (D), (E), and (F) to read as follows:

(D) A change in the ownership of a preexisting non-conforming sign alone shall not terminate its protected status as long as that sign is located on the premises of the activity which it advertises. The owner or legal possessor of a preexisting non-conforming sign shall have the right to repair and maintain it. Such repairs or maintenance shall not terminate its protected status.

(E) Change of advertising copy is part of reasonable maintenance and repair, but the change of copy may not increase or expand the size of the original non-conforming use.

(F) Change of facing or sign display area is part of reasonable maintenance and repair, but the change of facing and sign display area may not increase or expand the size of the sign in excess of the original non-conforming use.

### **III. REPEALER**

All ordinances or parts of ordinances in force when the provisions of this Ordinance becomes effective which are inconsistent or in conflict with the terms and provisions contained in this Ordinance are hereby repealed only to the extent of any such conflict.

### **IV. SEVERABILITY**

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs and sections of this ordinance be severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance, and the remainder of this Ordinance shall be enforced as written.

### **V. EFFECTIVE DATE**

This Ordinance shall take effect immediately upon its passage and publication as may be required by governing law.

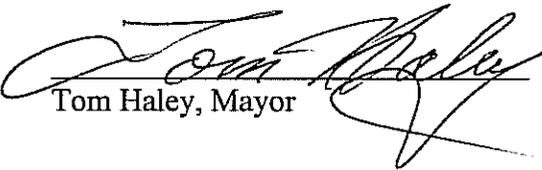
### **VI. PROPER NOTICE AND MEETING**

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, Chapter 551 of the Texas Government Code. Notice was also provided as required by Chapter 52 of the Texas Local Government Code.

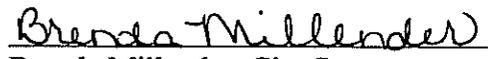
**PASSED AND APPROVED on first reading** this 18th day of January, 2007, by a 5 (Ayes) 0 (Nays) 0 (Abstain) vote of the City Council of the Village of Wimberley, Texas.

**PASSED AND APPROVED on second reading** this 1st day of February, 2007, by a 5 (Ayes) 0 (Nays) 0 (Abstain) vote of the City Council of the Village of Wimberley, Texas.

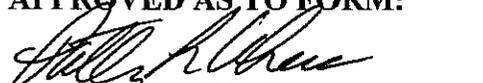
**VILLAGE OF WIMBERLEY**

By:   
Tom Haley, Mayor

**ATTEST:**

  
Brenda Millender, City Secretary

**APPROVED AS TO FORM:**

  
Patty L. Akers, City Attorney