

ORDINANCE NO. 2015- 008

AN ORDINANCE OF THE CITY OF WIMBERLEY, TEXAS AMENDING CHAPTER 152 (SIGNS) OF THE CITY OF WIMBERLEY CODE OF ORDINANCES TO REQUIRE REGISTRATION OF PRE-EXISTING NON-CONFORMING OFF-PREMISE SIGNS; AND PROVIDING FOR THE FOLLOWING: FINDINGS OF FACT, SAVINGS, SEVERABILITY, REPEALER, EFFECTIVE DATE, AND PROPER NOTICE AND MEETING.

WHEREAS, the City Council of the City of Wimberley, Texas (the “City”) seeks to provide for the health, safety and welfare of its citizens, and provide for the orderly development of land within its corporate limits and its extraterritorial jurisdiction; and

WHEREAS, the City has the authority to regulate signage pursuant to Texas Local Government Code Chapters 51, 52 and 216; and,

WHEREAS, the City has prohibited certain types of signage, including off-premise signs, since the City first adopted its sign ordinance in the year 2000; and,

WHEREAS, the City’s sign ordinance permits the continuance of pre-existing, non-conforming off-premise signs; and

WHEREAS, the City currently lacks an adequate recordkeeping procedure for pre-existing off-premise non-conforming signs; and

WHEREAS, the registration requirements under this ordinance preserve the right to maintain a pre-existing non-conforming off-premise sign under the existing ordinance while at the same time providing the City with a reasonable method to monitor and enforce compliance with its sign regulations;

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

SECTION I. FINDINGS OF FACT

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

SECTION II. AMENDMENTS

The City of Wimberley Code of Ordinances, Title XV (Land Usage), Chapter 152 (Signs), § 152.14 (Pre-Existing Non-Conforming Signs) is hereby amended to add sections (G)-(L) as follows:

“§ 152.14 PRE-EXISTING NON-CONFORMING SIGNS

All signs that have been installed, and were lawful at the time of the installation and are in existence as of the effective date of this chapter that do not conform to this chapter shall be known as “pre-existing non-conforming signs.” Such pre-existing non-conforming signs need not comply with the provisions of this chapter except as follows:

....

- (G) On or after July 1, 2015, it shall be unlawful for any person to maintain any pre-existing non-conforming off-premise sign within the corporate limits or extraterritorial jurisdiction of the City of Wimberley without having a valid registration tag affixed thereto as required in this section.
- (H) *Application.* To register a pre-existing non-conforming off-premise sign, application shall be made to the City Administrator on forms provided for that purpose. The application shall be accompanied by the payment of the applicable fee and shall contain the name and address of the owner of the sign, the exact location of the sign, the date of placement, and any other information reasonably required by the City Administrator.
- (I) *Establishment of non-conforming status.* As a condition to registration, the applicant shall submit objective evidence of the lawful existence and continued use of the non-conforming sign by providing the following types of information, including, but not limited to, documentation that the non-conforming sign was in existence on or before the effective date of this chapter and evidence of continuous operation for each successive year up through the date of registration: previous non-conforming use determinations, plats, county appraisal data, lease agreements, sworn affidavits from three or more persons with knowledge, dated photographs, bills, invoices, customer receipts, or other similar proof.
- (J) *Issuance of registration tag.* If the City Administrator determines that the off-premise sign is a lawfully pre-existing non-conforming sign, he/she shall issue a registration tag to the applicant. The applicant shall cause the tag to be affixed in a conspicuous place on the corresponding registered off-premise sign.
- (K) *Removed or destroyed signs.* Any owner who removes or causes the removal of any validly registered non-conforming off-premise sign from any premise shall, within five (5) business days of its removal, report the removal to the City Administrator in writing.

(L) *Invalidation of registration.* The City Administrator shall invalidate any registration tag for a non-conforming off-premise sign when:

1. The sign is removed from the premise for any reason;
2. The sign has been damaged or destroyed to a degree that causes it to lose its non-conforming sign status as provided in this chapter;
3. The sign has become an abandoned sign; or
4. The City Administrator determines that the applicant filed a false registration application.”

Except as expressly amended herein, the Wimberley Code of Ordinances shall remain in full force and effect.

SECTION III. SAVINGS

The repeal of any ordinance or part of ordinances effectuated by the enactment of this Ordinance shall not be construed as abandoning any action now pending under or by virtue of such ordinance or as discontinuing, abating, modifying or altering any penalty accruing or to accrue, or as affecting any rights of the City under any section or provisions of any ordinances at the time of passage of this Ordinance.

SECTION IV. SEVERABILITY

Should any sentence, paragraph, subdivision, clause, phrase, or section of this Ordinance be adjusted or held to be unconstitutional, illegal, or invalid, the same shall not affect the validity of this Ordinance in whole or any part or provision thereof, other than the part so declared to be invalid, illegal or unconstitutional.

SECTION V. REPEALER

The provisions of this Ordinance shall be cumulative of all other ordinances or parts of ordinances governing or regulating the same subject matter as that covered herein; provided, however, that all prior ordinances or parts of ordinances inconsistent or in conflict with any of the provisions of this Ordinance are hereby expressly repealed to the extent that such inconsistency is apparent. This Ordinance shall not be construed to require or allow any act that is prohibited by any other ordinance.

SECTION VI. EFFECTIVE DATE

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

SECTION VII. 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 as required 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.

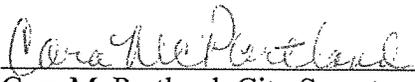
PASSED AND APPROVED this 2nd day of April, by a vote of 5 (Ayes) to 0 (Nays) 0 (Abstain) of the City Council of the City of Wimberley, Texas.

CITY OF WIMBERLEY, TEXAS



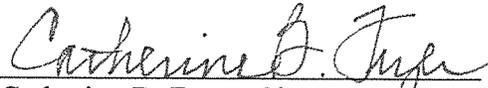
Steve Thurber, Mayor

ATTEST:



Cara McPartland, City Secretary

APPROVED AS TO FORM:



Catherine B. Fryer, City Attorney

