

TOWN OF ADDISON, TEXAS

ORDINANCE NO. 010-035

AN ORDINANCE OF THE TOWN OF ADDISON, TEXAS AMENDING CHAPTER 62, SIGNS, OF THE CODE OF ORDINANCES OF THE TOWN BY AMENDING SECTION 62-57 (FEES) REGARDING SIGN PERMIT FEES; PROVIDING A SAVINGS CLAUSE; PROVIDING A PENALTY NOT TO EXCEED THE SUM OF FIVE HUNDRED DOLLARS FOR ANY OFFENSE, AND A SEPARATE OFFENSE SHALL BE DEEMED COMMITTED EACH DAY DURING OR ON WHICH A VIOLATION OCCURS OR CONTINUES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town of Addison, Texas (the "City") desires to amend certain provisions of Chapter 62 of the City's Code of Ordinances relating to and regarding signs within the City; and

WHEREAS, the City has conducted an investigation and analysis regarding sign permit fees, and are with a view of and to further the purposes and objectives set forth in Section 62-2 of the Code, including to promote the health, safety, welfare, convenience and enjoyment of the public, including among other things to promote the efficient transfer of information in sign messages and to protect the public welfare and to enhance the appearance and economic value of the landscape, and such amendments are to facilitate the avoidance of visual clutter that is potentially harmful to traffic and pedestrian safety, property values, business opportunities, and community appearance, and are to comply with applicable State law; and

WHEREAS, the City is authorized to provide for regulation of signs pursuant to State law, including, among others, Section 51.001, Tex. Loc. Gov. Code (authorizing a municipality to adopt an ordinance, rule or police regulation that is for the good government, peace, or order of the municipality or for the trade and commerce of the municipality) and Section 216.901 Tex. Loc. Gov. Code (authorizing a home rule municipality to license, regulate, control or prohibit the erection of signs or billboards), and pursuant to its authority as a home rule city under Article 11, Section 5 of the Texas Constitution and its Home Rule Charter; and

WHEREAS, the adoption of this Ordinance and the amendments set forth herein are for and in the best interests of the health, safety and welfare of the City and its citizens.

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

Section 1. Incorporation of Recitals. The above and foregoing recitals and premises to this Ordinance are true and correct and are incorporated herein and made a part hereof for all purposes.

Section 2. Amendment. The Code of Ordinances of the Town of Addison, Texas (the "City") is hereby amended by amending certain sections and provisions of Chapter 62, Signs, thereof as set forth in Exhibit A attached hereto and incorporated herein for all purposes,

and all other chapters, articles, sections, subsections, sentences, phrases and words of the said Code of Ordinances are not amended hereby.

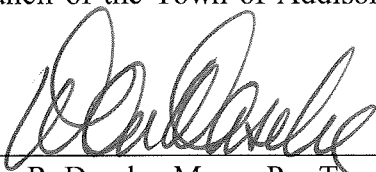
Section 3. Savings; Repealer. This Ordinance shall be cumulative of all other ordinances of the City and shall not repeal any of the provisions of those ordinances except in those instances where the provisions of those ordinances are in direct conflict with the provisions of this Ordinance. Provided, however, that the repeal of such ordinances or parts of such ordinances, and the amendments and changes made by this Ordinance, shall not affect any right, property or claim which was or is vested in the City, or any act done, or right accruing or accrued, or established, or any suit, action or proceeding had or commenced before the time when this Ordinance shall take effect; nor shall said repeals, amendments or changes affect any offense committed, or any penalty or forfeiture incurred, or any suit or prosecution pending at the time when this Ordinance shall take effect under any of the ordinances or sections thereof so repealed, amended or changed; and to that extent and for that purpose the provisions of such ordinances or parts of such ordinances shall be deemed to remain and continue in full force and effect.

Section 4. Penalty. It shall be unlawful for any person, firm, corporation, or other business entity to violate any provision of this Ordinance, and any person, firm, corporation, or other business entity violating or failing to comply with any provision hereof shall be fined, upon conviction, in an amount of not more than Five Hundred and No/100 Dollars (\$500.00), and a separate offense shall be deemed committed each day during or on which a violation or failure occurs or continues.

Section 5. Severability. The provisions of this Ordinance are severable, and if any section or provision of this Ordinance or the application of any section or provision to any person, firm, corporation, entity, situation or circumstance is for any reason adjudged invalid or held unconstitutional by a court of competent jurisdiction, the same shall not affect the validity of any other section or provision of this Ordinance or the application of any other section or provision to any other person, firm, corporation, entity, situation or circumstance, and the City Council declares that it would have adopted the valid portions of this Ordinance adopted herein without the invalid or unconstitutional parts and to this end the provisions of this Ordinance adopted herein shall remain in full force and effect.

Section 5. Effective Date. This Ordinance shall become effective from and after its passage and approval and its publication as may be required by law.

PASSED AND APPROVED by the City Council of the Town of Addison, Texas this 21st day of September, 2010.



Don R. Daseke, Mayor Pro Tempore

ATTEST:

By: Lea Dunn
Lea Dunn, City Secretary

APPROVED AS TO FORM:

By: John Hill
John Hill, City Attorney
Jason Mathis, Assistant
City Attorney

**EXHIBIT A
TO ORDINANCE NO. 010-035**

Chapter 62, Signs, of the Code of Ordinances (the "Code") of the Town of Addison, Texas is hereby amended by amending Section 62-57 thereof to read as follows (additions are underlined; deletions are ~~struck through~~):

Section 62-57. Fees.

(a) Every applicant, before being granted a permit under this division, shall pay to the town the applicable fee set out in this section. The fee for a permit to erect, alter, replace or relocate a sign shall be \$75.00~~50.00~~ for each sign. No refunds for a sign permit be granted after such fees have been tendered.

(b) When a sign is erected, placed, or maintained, or work is started thereon before obtaining a sign permit, there shall be a late fee equal to twice the amount of the sign permit fee. The late fee does not excuse full compliance with the provisions of this chapter.