

ORDINANCE NO. 039-97

BILLBOARD, SIGN AND POSTER ORDINANCE

AN ORDINANCE TO CONTROL OUTDOOR ADVERTISING WITHIN THE CITY LIMITS OF ORCHARD AND ONE-HALF MILE OF EXTRA TERRITORIAL JURISDICTION (ETJ) BY PROHIBITING OUTDOOR ADVERTISING ON PUBLIC PROPERTY, WITH EXCEPTIONS FOR SPECIAL EVENTS AND GARAGE SALES, RESTRICTING BUSINESSES, PROVIDING PENALTIES FOR THE VIOLATION OF THIS ORDINANCE, AND PROVIDING FOR THE ISSUANCE OF PERMITS FOR OUTDOOR ADVERTISING FOR SPECIAL EVENTS AND GARAGE SALES.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ORCHARD:

1.

Purpose of Ordinance

It is the purpose of this ordinance to provide regulation of outdoor advertising, including the erection, structural alteration, and maintenance of all types of billboards, signs, bills, posters, and other outdoor advertising material within the incorporated limits of the City of Orchard and one-half mile of Extra Territorial Jurisdiction (ETJ) in order to protect and enhance the health, safety and welfare of the general public, and in a manner which will be compatible with both federal and state law.

2.

Definitions

A. Billboard. Any flat surface erected on a framework or on any structure, or attached to posts and used for, or designed to be used for, the display of bills, posters, or other advertising material, for the purpose of advertising a business or activity not located on the same premises as the said advertising material.

B. Garage sale. A sale of used merchandise by persons or organizations not in the regular business of the sale of such merchandise on a continuing basis. A garage sale may not exceed 72 hours in duration.

C. Outdoor advertising. Any means of visual advertising located outdoors, set, placed, or affixed to a structure, post or real estate, including, but not limited to, signs, temporary mobile signs, billboards, and posters.

D. Sign. Any device or surface on which letters, illustrations, designs, figures or symbols are painted, printed, stamped, raised, projected or in any manner outlined or attached, and used for advertising purposes.

E. Special Events. Events organized and/or sponsored by non-profit organizations, such as civic service organizations, veteran's organizations, schools and churches, and/or those approved by City Council.

3.

Prohibited Acts, Penalties, and Remedies

A. Acts prohibited:

It shall be unlawful for any person to do any of the following acts:

(1) Erect any form of outdoor advertising, including billboards and signs, on any public property within the corporate limits of the City of Orchard and one-half mile of Extra Territorial Jurisdiction (ETJ), with the exception of properly permitted advertising for special events and garage sales as set forth in Section 4 below.

(2) Erect any form of outdoor advertising, including billboards and signs, on any premises other than the premises on which the business so advertised is being conducted.

(3) Display any portable or temporary signs that is not adequately and safely secured. The method of securing portable or temporary signs is subject to the supervision and approval of the City of Orchard Public Works Department.

B. Penalties and other remedies for violations:

The Mayor, City Secretary, Public Works Superintendent, Council and their designates shall be responsible for the enforcement of the provisions of this ordinance. Violators shall be given written notice of violations. If the violation is not corrected or cured within ten (10) days of the mailing of the written notice, the violator shall be subject to prosecution under this ordinance.

Any person convicted of a violation of any provision of this ordinance shall be fined not less than \$10 or more than \$200. Each day or part of a day in which this ordinance is violated shall constitute a separate violation. Additionally, the City or its designate, shall have the authority to remove or cause to be removed any sign, billboard or other form of outdoor advertising erected, placed, altered, or maintained in violation of this chapter, if the same is located on, in or above any public street or sidewalk area, or other public property. The cost of the removal shall be chargeable to the person or persons, jointly and severally, who were responsible for or who caused the erection or placement of the offending sign, billboard, or outdoor advertising.

4.

Permits Required

A. Special Events: Outdoor advertising for special events on public property is permissible with prior approval of the City Council. City Council approved special events signs may be posted

up to two (2) weeks prior to the event and are to be removed within 48 hours of its completion. Special events signs are limited to a maximum of six (6) signs not to exceed ten feet (10') in height and ten feet (10') in width.

B. Effect of Permit. Issuance of a permit for outdoor advertising shall not affect or diminish the permittee's responsibility for compliance with any other applicable laws and regulations.

5.

Repeal of Other Ordinances

City of Orchard Ordinance No. 038-97 entitled "An Ordinance Providing a Sign Ordinance Which Will Be Consistent With State and Federal Laws and Regulations Controlling Outdoor Advertising Within Six Hundred and Sixty Feet of the Nearest Edge of the Right-of-way Primary Systems Highways Within the City of Orchard, by Requiring Licenses and Permits for Outdoor Advertising Anywhere Within the City Limits and one-half Mile of Extra Territorial Jurisdiction (ETJ), With Exceptions, and by Providing Regulations for Outdoor Advertising Anywhere Within the City Limits" and all amendments thereto are hereby expressly repealed.

6.

Effective Date

This ordinance shall take effect and be in force after its passage.

PASSED AND APPROVED THIS THE 12th DAY OF AUGUST, 1997.

Eugene L. Demny
Eugene L. Demny, Mayor

ATTEST:

Wanda Andel
Wanda Andel, City Secretary

038-97

