ORDINANCE NO. 2012-1065

AN ORDINANCE OF THE CITY OF FULSHEAR, TEXAS AMENDING ORDINANCE NO. 2012-1058 SECTION 4.0, REGARDING THE DESIGN, CONSTRUCTION AND MAINTENANCE OF SIGNS BY DISTRICT; SUB-SECTION 3 ENTITLED SPECIAL DOWNTOWN SIGN DISTRICT TO ALLOW TEMPORARY SANDWICH BOARD SIGNAGE; PROVIDING FOR SEVERABILITY AND SETTING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Fulshear, Texas (the "City") finds that the unregulated construction and erection of outdoor signs, billboards and other structures designed to make an announcement to the general public can create structural hazards and can present impediments and dangers to traffic along roadways and Right of Ways within the City and easements; and

WHEREAS, the City Council of the City of Fulshear finds that portable signs present special traffic hazards when towed on public streets or displayed on public rights-of-way and present dangers to the health and safety of the citizens of the City; and

WHEREAS, the City Council of the City of Fulshear recognizes that protection of the City's visual environment will benefit both residential and commercial property owners and will promote a positive image of the City; and

WHEREAS, the City Council desires to promote the reasonable, orderly, and effective display of signs and to ensure that signs do not create or become hazards; and

WHEREAS, the City Council acted in Ordinance No. 2012-1058 to regulate signage; and

WHEREAS, the City Council is cognizant of certain additional needs expressed by businesses and believes that acting to remediate said needs by amending the aforementioned Ordinance will promote commerce and improve the general welfare of the City;

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

SECTION 1.0

PURPOSE: The purpose of this Ordinance is to revise Ordinance 2012-1058 concerning Signs, Section 4.0 regarding the Design, Construction and Maintenance of Signs by District, Sub-Section 3) entitled Special Downtown Sign District adding paragraph e) relating to Sandwich Board Signs.

SECTION 2.0

AMDENDED: Section 4.0 regarding the Design, Construction and Maintenance of Signs by District, Sub-Section 3) entitled Special Downtown Sign District is hereby amended to add paragraph e) which shall read:

e) Sandwich Board Signs: Businesses located in the District shall have the option of Sandwich Board signs may only be located in front of commercial properties within the Downtown Signage District. These temporary signs shall be located in front of the business on private property

during business hours. Under no exception shall the signs be placed on public property or within the City's Rights of Way. The total size of the sign is not to exceed 42"x24" (height x width). The signs must be internally weighted to withstand strong winds. Businesses installing such signage will be allowed only one sign and will be required to place such sign in a manner that does not hinder safe sight lines for drivers nor impede foot traffic for other nearby businesses.

Said signs shall be permitted on an annual basis through the Building and Permitting Office. Such permits are renewable year to year and shall be accompanied by a fee of $50.00 and proof that the applicant has a liability insurance policy with a total umbrella cap of not less than $500,000.

Businesses displaying such signage shall ensure that said signs are removed and secured inside a building on day where the National Weather Service or Fort Bend County Office of Emergency Management has issue a severe weather statement relating to strong winds or Red Flag conditions.

SECTION 3.0

SEVERABILITY CLAUSE: That if any provision, word, sentence, paragraph, clause, phrase or section of this Ordinance or its application to any person or circumstances is adjudged or held invalid, void or unconstitutional, the invalid, void or unconstitutional portion shall not affect the validity of the remaining portions of this ordinance which shall remain in full force and effect.

SECTION 4.0

REPEALING CLAUSE: All provisions in conflict with the provisions of this Ordinance shall be, and the same are hereby repealed, and all other provisions not in conflict with the provisions of this Ordinance shall remain in full force and effect.

SECTION 5.0

EFFECTIVE DATE: This Ordinance shall be effective on the first day of April, 2012.

SECTION 6.0

PUBLICATION: The City Secretary is hereby authorized and directed to publish the caption of this ordinance in the manner and for the length of time prescribed by law.

Thomas C Kuykendall Jr

Thomas C. Kuykendall Jr., Mayor

ATTEST:

Gordon Offord

D. Gordon Offord, City Secretary