

Ordinance No. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PFLUGERVILLE, TEXAS, AMENDING TITLE XV, LAND USAGE, OF THE CITY OF PFLUGERVILLE, TEXAS CODE OF ORDINANCES, BY AMENDING CHAPTER 154, TITLED SIGNS; PROVIDING A CUMULATIVE CLAUSE AND REPEALING ALL ORDINANCES TO THE EXTENT THEY ARE IN CONFLICT WITH THE AMENDED SECTIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Pflugerville's sign regulations for the City of Pflugerville are codified as Chapter 154 of the Code of Ordinances; and

WHEREAS, the City Council is authorized to regulate signs by virtue of the Texas Constitution, the City of Pflugerville's police power, Texas Local Government Code Chapter 211 and Texas Local Government Code Chapter 216; and

WHEREAS, City Council finds that the amendments to the City's sign regulations are necessary and proper from time to time to protect and enhance the public health, safety and welfare and ensure conformance with State law.

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

Section 1. Findings. The foregoing recitals are hereby found to be true and correct and are hereby adopted by the City Council and made a part hereof for all purposes and findings of fact.

Section 2. Amendment to Municipal Code of Ordinances. The City of Pflugerville, Texas Code of Ordinances, Title XV (titled "*Land Usage*"), Chapter 154 (titled "*Signs*"), Sections 154.103, 154.106 and 154.110 are hereby amended as follows:

CHAPTER 154: SIGNS

§ 154.103: SIGNS EXEMPT FROM REGULATION UNDER THIS CHAPTER.

The following signs, if located on private real property with the consent of the property owner (unless otherwise stated) are exempt from regulation under this chapter:

(B) Up to two (2) temporary Signs located on "private real property" as defined and limited by Texas Local Government Code § 216.903(a) containing primarily a political message not exceeding an effective area greater than 36 square feet, nor more than eight (8) feet high, which are not illuminated and have no moving parts or elements, but specifically excluding a sign, including a billboard, that contains primarily a political message on a temporary basis and that is generally available for rent or purchase to carry commercial advertising or other messages that are

~~not primarily political, posted or erected 60 days or less before an election date and do not remain more than 15 days after an election date;.~~

§ 154.106 TEMPORARY SIGN PERMITS (PRIVATE PROPERTY).

Temporary Signs on private property not exempted from regulation by subsection 154.103 shall be allowed only upon the issuance of a Temporary Sign Permit, which shall be subject to the following requirements:

- (A) Term. A Temporary Sign permit shall allow the use of a Temporary Sign for a specified 30-day period.
- (B) Number. Only one Temporary Sign permit shall be issued on the same Zone Lot during any consecutive 4 month period.
- (C) Other Conditions. A Temporary Sign shall be allowed only in districts with a letter “A” or “P” for “Temporary Signs” on Table A and subject to all of the requirements for Temporary Signs as noted therein.

§ 154.110 POLITICAL AND CAMPAIGN SIGNS.

(A) Signs pertaining to candidates for public office, measures or issues on primary, general or special election ballots are permitted in all zoning districts, subject to the regulations of this Chapter.

~~(B) — In residential districts on lots smaller than one acre, one sign per street frontage for each candidate or measure not exceeding six square feet in area and four feet in height.~~

~~(C) — In residential districts on lots larger than one acre and in all other zoning districts, one sign per lot for each candidate or measure not exceeding 32 square feet in area or eight feet in height.~~

~~(D)~~(B) Signage is allowed on a truck, bus, car, or other motorized vehicle provided all the following criteria are met:

- (1) Primary purpose of such vehicle or equipment is not the display of signs.
- (2) Signs are painted upon or applied directly to an integral part of the vehicle or equipment.
- (3) Vehicle/equipment is in operating condition, currently registered and licensed to operate on public streets when applicable.

(4) Vehicles used as signs and parked for a period of more than two consecutive days on any lot will constitute the allotted sign for that lot.

~~(E)~~(C) Signs regulated by this Chapter shall not be displayed earlier than 60 days prior to an election and shall be removed within ten days following said election. Signs for successful primary election candidates, eligible for a general or runoff election, may remain after the primary election.

~~(F)~~(D) Signs may not be placed in any portion of the public right-of-way except on property where election polling places are located. Signs may be placed no closer than allowed by state or federal law, no sooner than three days in advance of early voting for the election, and must be removed no later than three days after the election.

~~(G)~~(E) The person, party or parties responsible for the distribution and display of such signs will be individually and jointly responsible for their removal.

Section 3. Severability.

If any provision of this Ordinance is illegal, invalid, or unenforceable under present or future laws, the remainder of this Ordinance will not be affected and, in lieu of each illegal, invalid, or unenforceable provision, a provision as similar in terms to the illegal, invalid, or unenforceable provision as is possible and is legal, valid, and enforceable will be added to this Ordinance.

Section 4. Repealer.

This ordinance shall be cumulative of all other ordinances of the City of Pflugerville, and this ordinance shall not operate to repeal or affect any other ordinances of the City of Pflugerville except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this ordinance, in which event such conflicting provisions, if any, are hereby repealed.

Section XIII. Effective Date.

This Ordinance will take effect upon its adoption by the City Council and publication of the caption hereof in accordance with Section 3.15(d) of the City Charter.

PASSED AND APPROVED this 10th day of July, 2018.

CITY OF PFLUGERVILLE, TEXAS

By: _____
Victor Gonzales, Mayor

ATTEST:

Karen Thompson, City Secretary

APPROVED AS TO FORM:

Charles E. Zech, City Attorney
DENTON NAVARRO ROCHA BERNAL & ZECH, P.C.