

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE CITY OF PFLUGERVILLE, TEXAS, AMENDING THE CITY OF PFLUGERVILLE, TEXAS CODE OF ORDINANCES, BY AMENDING THE DEFINITION OF PRIVATE REAL PROPERTY; DELETING THE REQUIREMENT TO PAY A FEE FOR RETURN OF A SIGN PLACED IN THE CITY RIGHTS OF WAY; DELETING SECTION 154.110 POLITICAL AND CAMPAIGN SIGNS; REPEALING ALL ORDINANCES TO THE EXTENT THEY ARE IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING NO PENALTY; AND PROVIDING AN EFFECTIVE DATE**

**WHEREAS**, the City Council finds the City of Pflugerville is a Texas Home-Rule Municipality as that term is defined by Texas law;

**WHEREAS**, the City Council finds that the Pflugerville Code of Ordinances Section 154.103 regulates political signs in compliance with State law; and

**WHEREAS**, the City Council finds that the Pflugerville Code of Ordinances Section 154.108 prohibits all signs from being placed in the public right-of-way, except where specifically authorized; and

**WHEREAS**, the City Council finds that the Pflugerville Code of Ordinances Section 154.103 references a definition which has been remodified in State law; and

**WHEREAS**, the City Council finds that the Pflugerville Code of Ordinances requires amendment for consistency with federal 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, Chapter 154 is hereby amended as follows with strike-through being deletions from the Code and underlines being additions to the Code:

§ 154.103    SIGNS EXEMPT FROM REGULATION UNDER THIS CHAPTER.

(B)    Signs located on “private real property”, except for signs placed on real property subject to an easement or other encumbrance that allows the City to use the property for a public purpose, 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.

§ 154.108 SIGNS IN THE PUBLIC RIGHT-OF-WAY.

(A) No signs shall be allowed in the public right-of-way, except for those specifically licensed or permitted by the city.

(B) Sign forfeiture. Any sign installed or placed on public property, except in conformance with the requirements of this section, shall be forfeited to the public and subject to confiscation. Owners shall be notified of any forfeited signs, which shall be held for a period of 30 days for remittitur if claimed. ~~Every sign claimed shall be returned to the owner upon payment of a confiscation fee of \$75.00 per sign.~~

(C) In addition to other remedies hereunder, the city shall have the right to recover from the owner and any person placing such a sign the full costs of removal and disposal of such sign.

~~§ 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) — 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.~~

~~(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.~~

~~(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.~~

~~(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 5. Effective Date.** This Ordinance will take effect upon its adoption by the City Council in accordance with Section 3.15(d) of the City Charter.

PASSED AND APPROVED this \_\_\_\_\_ day of \_\_\_\_\_ 2019.

CITY OF PFLUGERVILLE, TEXAS

By: \_\_\_\_\_  
Victor Gonzales, Mayor

ATTEST:

\_\_\_\_\_  
Karen Thompson, City Secretary

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney  
DENTON NAVARRO ROCHA BERNAL HYDE & ZECH, PC