

ORDINANCE NO. 2011-23a

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BASTROP, TEXAS AMENDING SECTION 3.20.009 "PROHIBITED SIGNS AND ACTIVITIES" OF CHAPTER 3 "BUILDING REGULATIONS" OF THE CITY OF BASTROP CODE OF ORDINANCES TO PROHIBIT THE HANGING OF SIGNS OFF THE OLD IRON BRIDGE, BUT PROVIDING ACCESS TO AND USE OF A CITY OWNED NOTIFICATION STRUCTURE AS AN ALTERNATIVE LOCATION; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Section 3.20.009 of the City's Code of Ordinances currently prohibits certain types of signs and their locations in the City limits of the City of Bastrop;

WHEREAS, the City has determined that the hanging, tacking, posting or placement of signs, of any type, whether temporary or permanent, on the Old Iron Bridge ("Bridge") located in the City of Bastrop is hazardous and distracting to persons traveling along the roadway near the Bridge, is unsightly, and is a detriment to the historical significance of the City and the Bridge;

WHEREAS, the City now believes that it is in the best interest of the City and its citizens to prohibit the attaching, hanging, tacking, posting, or placement of signs on the Bridge; and

WHEREAS, as an alternative to posting signs and banners on the Bridge, the City will provide a "notification structure" adjacent to the Bridge on which non-profit organizations, with prior City approval, may place signs and banners, of the appropriate size and quality, indicating public business or news; and

WHEREAS, pursuant to Chapter 3, Sec. 3.20.023, the City's Planning & Zoning Commission held a public hearing, and considered this Code change at their regular meeting on August 25, 2011, and have recommended approval to the City Council.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BASTROP THAT:

Part 1: The facts and recitations contained in the preamble of this ordinance are hereby found and declared to be true and correct, and are incorporated by reference herein and expressly made a part hereof, as if copied verbatim.

Part 2: Item (17) of Section 3.20.009 "Prohibited Signs and Activities" of the Code of Ordinances of the City of Bastrop is hereby amended to read as follows:

Sec. 3.20.009 “Prohibited Signs and Activities”

Any sign not specifically authorized by this article is prohibited unless allowed by law. The following signs and conditions are prohibited:

- (1) Signs having: flashing copy or lights; revolving beacon lights; chasing, blinking, scrolling, or stroboscopic lights; or, fluttering, undulating, swinging, or otherwise moving parts. For purposes of this article an electronically controlled changeable-copy sign is not considered a flashing sign unless it directly falls under the definition of “flashing” as defined in this article;
 - (2) No new billboards shall be permitted by the city. No other off-premises signs, including advertising benches, shall be permitted, except as specifically authorized in this article;
 - (3) Any sign located within, on, or projecting over a property line which borders a public or private street, highway, alley, lane, parkway, avenue, road, sidewalk, or other right-of-way, except as provided in this article. The building official may cause the immediate removal of any temporary or portable sign erected or displayed upon, or projecting into public property;
 - (4) Any sign attached to any public utility pole or structure, streetlight, tree, fence, fire hydrant, bridge, curb, sidewalk, park bench, or other location on public property, except as provided herein;
 - (5) Any sign placed, which by reason of its location, will obstruct the view of any authorized traffic sign, signal or other traffic-control device or which by reason of shape, color, or position interferes with or could be confused with any authorized traffic signal or device;
 - (6) Any sign which imitates or resembles any official traffic sign and which may constitute a traffic hazard including but not limited to signs containing words such as “stop,” “look,” “danger”;
 - (7) Any sign which is placed so as to prevent or inhibit free ingress to or egress from any door, window, or any exit way required by the city’s building code or by city fire department regulations;
 - (8) Any sign which emits audible sound, odor, smoke, steam, laser or hologram lights, or other visible matter, including any sign that employs any stereopticon, or motion picture projection;
 - (9) Any sign placed, mounted, attached or painted on a trailer, boat, or motor vehicle when parked, stored, or displayed conspicuously on the public right-of-way or private premises in a manner intended to attract the attention of the public. This provision expressly excludes political signs; and business signs that are permanently painted on, or magnetically attached to motor vehicles or rolling stock that are regularly and consistently used to conduct normal business activities;
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- (10) Roof signs not in compliance with this article;
- (11) Banners and temporary signs except as provided herein;
- (12) Inflatable signs and tethered balloons;
- (13) Bandit signs except as provided herein;
- (14) Pennants;
- (15) Searchlights and beacons;
- (16) Any pole-mounted, non lettered, physical representative object, including without limitation pole-mounted automobiles, boats, airplanes, or similar objects, except as provided herein;
- (17) Any sign, of any type, including inflatable signs, banners, and pennants, whether temporary or permanent, that is attached, placed, mounted, tacked, or posted off of the Old Iron Bridge. As an alternative to placing signs, banners, and/or pennants on the Old Iron Bridge, with permits and prior City approval, non-profit organizations may place banners of the appropriate size and quality, so long as the information stated thereon reflects City business or news, on the City provided "notification structure" located adjacent to the Old Iron Bridge.

Part 3: The City Manager and City Secretary are hereby authorized and directed to make the necessary changes to all records of the City of Bastrop to reflect this amendment.

Part 4: All ordinances, or parts of ordinances, in conflict with this Ordinance are hereby repealed, and are no longer of any force and effect. If any provision of this ordinance or application thereof to any person or circumstance, shall be held invalid, such invalidity shall not affect the other provisions, or application thereof, of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are hereby declared to be severable.

Part 5: This Ordinance shall become effective in accordance with the City Charter and the laws of the State of Texas.

READ and ACKNOWLEDGED on First Reading on the 13th day of September 2011.

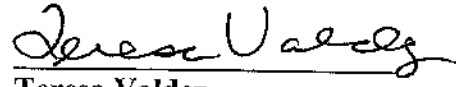
PASSED and ADOPTED on Second Reading on the 27th day of September 2011.

APPROVED:



Terry Orr
Mayor

ATTEST:



Teresa Valdez
City Secretary
