

## **ORDINANCE 2011-07**

**AN ORDINANCE OF THE CITY OF LOCKHART, TEXAS, AMENDING CHAPTER 46, "SIGNS", OF THE CODE OF ORDINANCES; REVISING SECTION 46-7(9) TO MODIFY THE REGULATIONS PERTAINING TO EXEMPT POLITICAL SIGNS; PROVIDING FOR SEVERABILITY; PROVIDING A REPEALER; PROVIDING FOR PENALTY; PROVIDING FOR PUBLICATION; AND ESTABLISHING AN EFFECTIVE DATE.**

**WHEREAS**, Section 46-7(9) was previously amended on October 5, 2010, to modify the City's regulation of exempt political signs to be consistent with State law; and,

**WHEREAS**, as amended, paragraph (a) in subsection (9) states that political signs shall not exceed 36 square feet; and,

**WHEREAS**, the current language is unclear whether or not that is intended to be a limit per sign or a total limit based on some other measure; and,

**WHEREAS**, it has been determined that the legislative and legal intent was that there be no limit on the total amount of signage or number of signs per property; and,

**WHEREAS**, the City Council desires to amend Section 46-7(9)(a) to clarify the City's regulation of exempt political signs by limiting only the maximum size of each sign.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LOCKHART, TEXAS, THAT:**

- I. Chapter 46 "Signs", is hereby amended to clarify the amount signage allowed in paragraph (a), in section 46-7, subsection (9), as follows, with all other existing sections and subsections not shown remaining unchanged.

**Sec. 46-7. Signs exempt from section 46-11.**

- (9) Signs that contain primarily a political message may be erected, maintained, and displayed only on private property with the consent of the property owner. Such signs shall not:
  - a. Exceed 36 square feet per sign.
  - b. Exceed eight feet in height.
  - c. Be illuminated by any light fixture within or attached to the sign.
  - d. Have any moving elements.
  - e. Be placed within any street right-of-way.
  - f. Create a safety hazard by blocking the view of traffic approaching on intersecting streets.

- II. Severability: If any provision, section, clause, sentence, or phrase of this ordinance is for any reason held to be unconstitutional, void, invalid, or un-enforced, the validity of the remainder of this ordinance or its application shall not be affected, it being the intent of the City Council in adopting and of the Mayor in approving this ordinance that no portion, provision, or regulation contained herein shall become inoperative or fail by way of reasons of any unconstitutionality or invalidity of any other portion, provision or regulation.
- III. Repealer: That all other ordinances, sections, or parts of ordinances heretofore adopted by the City of Lockhart in conflict with the provisions set out above in this ordinance are hereby repealed or amended as indicated.
- IV. Penalty: Any person who violates any provision of this ordinance shall be guilty of a misdemeanor, and upon conviction shall be fined as provided in Section 1-8 of the City Code.
- V. Publication: That the City Secretary is directed to cause the caption of this ordinance to be published in a newspaper of general circulation according to law.
- VI. Effective Date. That this ordinance shall become effective and be in full force ten days from the date of its passage.

**PASSED, APPROVED, AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF LOCKHART, TEXAS, ON THIS THE 7<sup>th</sup> DAY OF JUNE, 2011.**

CITY OF LOCKHART

\_\_\_\_\_  
Ray Sanders  
Mayor

ATTEST:

APPROVED AS TO FORM:

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Connie A. Rodriguez, TRMC  
City Secretary

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Peter Gruning  
City Attorney