

ORDINANCE NO. 747

AN ORDINANCE OF THE CITY OF HILSHIRE VILLAGE TEXAS, REPLACING IN ITS ENTIRETY CHAPTER 12. ZONING AND PLANNING, EXHIBIT "A," ARTICLE 12.200 SIGN REGULATIONS IN ITS ENTIRETY TO PROVIDE UNIFORM REGULATIONS AND RESTRICTIONS FOR THE USE OF LAND WITHIN ALL ZONING DISTRICTS IN THE CITY; DEFINING CERTAIN TERMS; PROVIDING FOR CERTAIN EXCEPTIONS; PROVIDING FOR OTHER MATTERS RELATED TO THE SUBJECT; PRESCRIBING A PENALTY OF NOT MORE THAN TWO THOUSAND DOLLARS (\$2,000) PER OFFENSE FOR VIOLATIONS; PROVIDING FOR SEVERABILITY; REPEALING ALL ORDINANCES AND REGULATIONS THAT ARE INCONSISTENT OR IN CONFLICT HEREWITH; AND PROVIDING AN EFFECTIVE DATE.

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WHEREAS, the city has been reviewing and revising its land development ordinances, and has appointed a citizen committee to review these; and

WHEREAS, the committee has made the following recommendations; and

WHEREAS, the City Council has held a public hearing as required by law and determined that the proposed amendments set forth below are consistent with the goals of the city’s comprehensive plan and that public health safety and welfare will be served by the adoption of these amendments;

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

Section 1. That the recitals set out above are adopted and incorporated by reference.

Section 2. That Chapter 12, Zoning and Planning, Exhibit "A," Article 12.200, Sign Regulations, of the Code of Ordinances of the City of Hilshire Village is amended by

repealing the current language of Article 12.200 in its entirety and replacing it with the following:

ARTICLE 12.200. - SIGN REGULATIONS

Section 12.201. — Purpose and Scope.

- (a) The city desires to promote the reasonable, orderly and effective display of signs and to ensure that signs do not create or become hazards. The city finds that signs can be a distraction to the attention of and an endangerment to the traveling public; an overabundance of signs results in clutter and unsightliness; and the city recognizes that protection and enhancement of the city's visual environment and beauty will benefit both residential and commercial property owners and will promote a positive image of the city.
- (b) The provisions of this article regulate all signs, as that term is defined in Section 12.202 below, within the city limits of the City of Hilshire Village, Texas.

Section 12.202. — Definitions.

For the purpose of this article, the following words and terms, as used herein, are defined as follows:

Advertising. To seek the attraction of or to direct the attention of the public to any goods, services, business, activity, or merchandise of any kind or type.

Banner. A sign made of flexible material.

Building Contractor Sign. A sign identifying or advertising the general contractor for the new construction or erection of a single-family dwelling, which shall not include a subcontractor sign.

Double-Faced Sign. A single sign with two (2) parallel sign faces (display surfaces) back-to-back.

Monument Sign. Any sign having a solid base that is in contact with the ground for its entire width.

Pavement Edge. A line drawn along that edge of the pavement that is nearest to the property from which a measurement is taken.

Permanent Sign. Any sign intended to remain for a period more than ninety (90) days.

Person. An individual, company, corporation, partnership, association, or any other entity.

Personal Message Sign. A sign conveying a civic, personal, political, religious, seasonal, protection, or security message that is not displayed for a fee or for compensation and that is located on property under the control of or owned by the person displaying the sign.

Real Estate Sign. A sign advertising the sale, rent, or lease of real property on which the sign is located.

Sign. Any display, light, device, figure, painting, drawing, message, plaque, poster, indoor or outdoor structure, or other medium or thing that is designed, intended, or used to advertise or inform and that is visible outside the property where the sign is located. The term "sign" shall include the sign structure unless otherwise specified.

Sign Administrator. The person appointed by the mayor and approved by the city council to administer, enforce, and carry out the terms and conditions of this article and all other provisions of laws or ordinances relating to signs.

Sign Structure. Any structure, device, or system that supports or is capable of supporting a sign.

Single-Faced Sign. A sign with one (1) sign face (display surface).

Special Event Sign. A temporary sign for a one-time event such as a sale, special promotion, open house, or a civic, religious, or educational activity.

Stop Order. A written notice from the sign administrator directing that work being conducted on a sign be stopped and stating the conditions under which work may be resumed.

Storefront. The primary exposure or front of a business intended, by location or orientation, as the main entrance or front for public access or display.

Subcontractor Sign. A sign advertising the design, remodeling, refurbishing, or repair of a building or property or the person performing such services, specifically including pools, landscaping and irrigation systems.

Section 12.203. — General Requirements and Exemptions.

(a) Street Address Signage.

(1) Every business and institution must display on its storefront the numerical street address so it is legible and plainly visible from the street during daylight.

(2) Every residence must display the numerical address of the property that is visible from the street during daylight.

(b) Exemptions.

The following are exempt from regulation under this article:

(1) Religious and other holiday lights and decorations that contain no commercial message and are displayed only during the corresponding holiday season;

(2) Flags of the United States, any state, any foreign nation having diplomatic relations with the United States, any U.S. or state military branch, and any college or school. Any other type of flag or cloth banner or movement device shall be considered a sign and shall be subject to regulation as such.

(c) Signage in the Public Right of Way.

Signs or portions of signs shall not be located on or project or extend over any public right-of-way, sidewalk, street, alley, or other public property.

Section 12.204. — Signs Allowed in All Districts.

(a) Government Signs. Signs installed, displayed, or required by a governmental body or required by federal, state, or local laws. No permit is required for the signs under this subsection.

(b) On-Premises Directional Signs. Signs that set forth the location of or the direction to parking or buildings on the premises or that regulate the flow of on-premises traffic. Such directional signs shall not exceed one (1) square foot in size, may be reflective and shall not be lighted or illuminated and shall comply with all state and federal laws. No permit is required for the signs under this subsection.

(c) Institutional Special Event Banner. A banner to promote or announce a special event on the institution's property. A banner may be displayed only by institutions, not by residences. A banner shall not exceed thirty (30) square feet in size and shall be secured tautly. No more than one (1) banner may be displayed for each special event, with no more than two (2) banners displayed at a time. Banners under this subsection shall be erected no sooner than thirty (30) days prior to the event and removed no later than two (2) days after the event. Banners erected under this subsection shall be in addition to any signs allowed under (e). No permit is required for a banner allowed under this subsection.

(d) Personal Message Signs.

(1) In Districts R-1, R-2, R-3 and R-4, personal message signs that do not number more than six (6) per lot, whether single-faced or double-faced, do not exceed six (6) square feet in area per sign face and do not exceed a total of twenty-five (25) square feet in area per lot. Such signs shall not be placed within a public right-of-way, which includes drainage ditches, shall be placed a minimum of ten (10) feet from the pavement edge of any street and shall not exceed four (4) feet in height above the surrounding finished grade.

(2) In District C-1, personal message signs that do not number more than six (6) per lot, whether single-faced or double-faced, do not exceed six (6) square

feet in area per sign face and do not exceed a total of twenty-five (25) square feet in area per lot. Such signs shall not be placed within a public right-of-way, shall be placed a minimum of ten (10) feet from the pavement edge of any street and shall not exceed four (4) feet in height above the surrounding finished grade.

(3) Personal message signs in all districts are subject to the provisions of Section 12.205 "Signs Prohibited in all Districts," Section 12.209 "Maintenance" and Section 12.210 "Removal of Signs" of this article.

(4) A personal message sign that contains a political message and that is located on private real property with the consent of the property owner is exempted from the number and size restrictions set forth in this subsection; however, such sign may not have an effective area greater than thirty-six (36) square feet or be more than eight (8) feet high. Such signs are not subject to the provisions of Sections 12.205, 12.209, or 12.210 but may not be illuminated or have any moving elements.

(5) No permit is required for the signs under this subsection.

- (e) Special Event Signs. Four of the allowed personal message signs may be special event signs, as defined in Section 12.202, may number no more than four (4) per lot, whether single-faced signs or double-faced signs, may not exceed six (6) square feet in area per sign face and may not exceed a total of twenty-five (25) square feet in area per lot. Such signs shall not be placed within a public right-of-way, which includes drainage ditches, shall be placed a minimum of ten (10) feet from the pavement edge of any street, and shall not exceed four (4) feet in height above the surrounding finished grade. Except for real estate open house signs, such signs shall be erected no sooner than fourteen (14) days before the event and shall be removed within three (3) days after the event. A real estate open house sign may be erected on private property with the permission of the owner of the property but may be erected no sooner than seven (7) days before the event and removed no later than one (1) hour after the event. No permit is required for the signs allowed under this subsection.
- (f) Building Contractor Signs. One (1) temporary single or double-faced sign not exceeding two (2) feet high by three (3) feet wide to advertise a single-family dwelling while the dwelling is actually under construction or is offered for sale. No building contractor sign shall be placed within any public right-of-way and such sign shall be placed a minimum of ten (10) feet from the pavement edge of any street. Such sign shall not exceed four (4) feet in height above the surrounding finished grade level. No sign permit is required for the sign allowed under this subsection.

Section 12.205. — Signs Prohibited in all Districts.

The following signs are prohibited:

- (a) Subcontractor signs;
- (b) Any sign that advertises a business enterprise not located on the premises where the sign is installed or maintained or directs persons to any location not on the premises;
- (c) Any sign designed or constructed to be moved from one location to another, including signs mounted upon or designed to be mounted upon a trailer, bench, wheeled carrier, or other non-motorized structure. A portable sign that has its wheels removed shall still be considered a portable sign;
- (d) Signs that advertise an activity, business, or service no longer conducted on the premises where the sign is located after a period of thirty (30) days following cessation of the business, activity, or service on the premises;
- (e) Signs that move or contain visible moving parts;
- (f) Signs that have attached banners, posters, pennants, ribbons, streamers, balloons, strings of lights, spinners, or other similar devices;
- (g) Banner signs, except as permitted in Section 12.204(c);
- (h) Signs that contain statements, words, or pictures of an obscene, indecent, or immoral character according to prevailing community standards that offend public morals or decency;
- (i) Signs that constitute or create a hazard or danger to the public health, safety, or welfare;
- (j) Outdoor illuminated signs, except as specifically allowed in this article;
- (k) Signs that contain reflectors or glaring, rotating, strobe, flashing, blinking, or traveling lights, that feature changing or moving messages or give the illusion of change or movement or that are neon signs that are outside a business, except for electrical or electronic signs as permitted in Section 12.206(c);
- (l) Signs that are illegible, nonfunctional, in disrepair, or hazardous as a result of lack of maintenance;
- (m) Signs placed on the side or rear of any building or property when the sign faces a residential area from where the sign is visible;
- (n) Signs not otherwise regulated that are tacked, pasted, or otherwise affixed to or located on the walls of buildings or sheds, outdoor benches, trash containers, shrubs, trees, utility poles, fences, or public traffic control signs and are visible from any public right-of-way, except that information about the manufacturer or distributor of any such item may be placed on that item;
- (o) Signs that resemble, may be confused with, or construed as, or obstruct or impede the visibility of any official traffic control signs, signals, or devices, or that constitute a hazard to pedestrian or vehicular traffic;

- (p) Any sign attached to a motor vehicle or a trailer that is parked on a public right-of-way, on public property, or on private property so as to be visible from a public right-of-way, the basic purpose of which sign is to advertise a product or to direct people to a business or activity. This subsection shall not be construed to prohibit identification information, such as lettering or numbering, on a commercial vehicle or to prohibit a sign advertising the sale of a vehicle on which that sign is placed;
- (q) Any sign that emits audible sound, odor, or visible matter;
- (r) Any sign that extends above a peaked, sloped, pitched, mansard, or similar roof and, in the case of a building with a flat roof, any sign that extends above such roof or any parapets surrounding the roof;
- (s) Signs painted directly on a building exterior;
- (t) Billboards.

Section 12.206. — Additional Signs Allowed in Districts R-1, R-2, R-3 and R-4.

In addition to the signs allowed under Section 12.204 of this article, the signs described below may be installed or displayed in Districts R-1, R-2, R-3 and R-4.

- (a) Sign for a Residential Development. One (1) temporary single or double-faced sign, not exceeding sixteen (16) square feet per face in area, for residential developments of three (3) or more single-family dwellings to provide information concerning lot or home sales for the development while such lots and/or dwellings are actually offered for sale. Such sign shall be removed one (1) year from the date of its erection, except such sign may remain in place for up to an additional one (1) year upon filing an application with the sign administrator, upon forms provided by the city, which shall state that sales in the development are not completed and shall provide details regarding such sales. No residential development sign shall be placed within any public right-of-way, and such sign shall be placed a minimum of ten (10) feet from the pavement edge of any street. Such sign shall not exceed four (4) feet in height above the surrounding finished grade level. A sign permit is required for the sign allowed under this subsection.
- (b) Subdivision Signs. One subdivision name sign, which shall be either a monument sign or a sign embedded into a masonry wall, landscaping, or fencing of the subdivision, at each main street entrance to a residential subdivision. These signs must be located entirely on private property and be maintained by the residents of the subdivision. The location must be approved by the city. The sign face may not exceed sixteen (16) square feet. The sign may contain only the subdivision name. A sign permit is required for the sign allowed under this subsection.
- (c) Specific Uses. For a use operating under a specific use permit (SUP), other signage in accordance with Section 12.207 or as the individual SUP ordinance allows. This type of use is also permitted to have one (1) monument sign that may include a

portion on which the copy or symbols change automatically through electrical or electronic means. The copy shall not change more than once every thirty (30) seconds. The sign is required to have automatic dimming capability that adjusts the brightness to the ambient light at all times of the day and night. A sign permit is required for the sign allowed under this subsection.

- (d) Real Estate Signs. No more than one (1) real estate sign on a lot. The sign shall be removed when the property is sold. The sign shall not exceed eight (8) square feet in area or four (4) feet in height.

Section 12.207. — Additional Signs Allowed in District C-1.

In addition to the signs allowed under Section 12.204 of this article, all of the signs described below may be installed or displayed in District C-1.

- (a) Tenant Name Sign. One (1) single-faced sign per tenant or commercial establishment with the name of the business. The sign may include the business name and logo only; no other advertising message is permitted on this sign. The sign shall be located on the storefront only and shall be flush mounted extending twelve (12) inches or less horizontally from the structure to which it is affixed. Such sign shall be no more than two (2) feet high or more than eight (8) feet long. A sign permit is required for the sign allowed under this subsection.
- (b) Business Information Sign. For each business, one (1) sign that provides information such as business hours, days of operation and emergency phone numbers, and one (1) sign indicating that the business is open. Such signs shall be displayed on or near the entrance. The total area of these signs shall not exceed 324 square inches. No permit is required for a sign allowed under this subsection.
- (c) Tenant Monument Sign.
 - (1) One (1) monument sign on each lot, which shall be perpendicular to and set back at least five (5) feet from the front property line. The sign shall be no longer than eight (8) feet, no higher than five (5) feet and no thicker than sixteen (16) inches. The base and exterior surface of the sign, excluding the advertising portion of the sign, shall be formed of a masonry building material such as stone, brick, concrete, marble, granite, or the like. Illumination for a monument sign shall be from the ground or from within the sign and must be approved by the city. There shall be no lighting affixed to the external structure of the sign.
 - (2) Adjoining lot owners may choose to consolidate their individual monument signs into one single larger sign. For each additional lot, the larger sign may be thirty percent (30%) higher and thirty percent (30%) wider than the permitted sign area for an individual lot; however, no sign may exceed twelve (12) feet in length.

- (d) Special Event Sign. One (1) special event sign displayed in a business window for a period not to exceed two (2) weeks. These signs may not exceed three feet by six feet (3' x 6') or fifty percent (50%) of the window area and may be drawn, painted, or printed on paper, cloth, cardboard, or similar material. A special event sign shall not be painted directly on the window glass and shall not utilize fluorescent paint or any type of reflectors. A business may have a maximum of six (6) special event signs each year. No permit is required for a sign allowed under this subsection.
- (e) Window Signs. Permanent and temporary signs that are applied or attached to the exterior or interior of a transparent window or glass door. Permanent window signs shall not exceed twenty-five percent (25%) of the area of a window, and the total area of all window signs, including both permanent and temporary, shall not exceed fifty percent (50%) of the window area. These percentages are based on the total window area of the first floor. No permit is required for a sign allowed under this subsection.
- (f) Traffic control signs. Privately erected signs that provide information or direction to motorists. The sign may have an area no greater than one and one-half (1.5) square feet. The overall height of the sign may not be greater than five (5) feet. The sign may be on a pole or affixed to a building.

Section 12.208. — Non-Conforming Signs.

A permanent sign erected in any district prior to the effective date of this article that does not conform with the regulations of this article is deemed to be a non-conforming sign that shall be allowed to continue, with normal maintenance and repair only. A non-conforming sign may not be enlarged, expanded, or extended. It is not the intent of this provision to encourage the survival of non-conforming signs; to the contrary, non-conforming signs are declared to be incompatible with allowed uses in all districts.

- (a) Obsolescence or Destruction. A non-conforming sign shall not be enlarged, expanded, extended, replaced, or rebuilt in case of obsolescence or total destruction by any means or cause.
- (b) Repair or Reconstruction if Damaged. In the event a non-conforming sign is damaged by any means or cause and the repair or reconstruction cost, whichever is applicable, equals or exceeds fifty percent (50%) of the fair market value of the sign at the time of the damage, it must be removed or brought into compliance with this article.
- (c) Removal of Unlawful Signs. In case any non-conforming sign is enlarged, expanded, extended, replaced, or rebuilt in violation of any of the terms of this article, the sign administrator shall give written notice by personal service or by certified mail, return receipt requested, to the owner or the party in control of the property, lessee and/or person responsible for said sign to remove the sign or bring the sign into compliance with this article. If such order is not complied with within twenty-

one (21) days after the sign administrator gives this notice, the sign administrator shall have the authority to initiate proceedings to revoke the permit and, with the city's approval, initiate legal proceedings to have the sign removed at the expense of the owner, lessee, or person responsible for such sign.

Section 12.209. — Maintenance.

All signs must be maintained in a safe condition, kept in good repair and, unless made of galvanized or non-corrosive metal or treated with appropriate wood preservative, thoroughly painted as often as is necessary, consistent with good maintenance. All braces, bolts, clips, supporting frames and fastenings must be free from deterioration, termite infestation, rot, or loosening. In case any sign is not maintained as required, the sign administrator shall give written notice to the owner and lessee of the property or their representatives of the need to maintain or remove the sign.

Section 12.210. — Removal of Signs.

- (a) Notice. Subject to subsections (b) and (c), if any sign is installed or maintained in violation of any of the terms of this article, written notice may be given to remove the sign or to bring the sign into compliance with this article. Written notice shall be given by the sign administrator by certified mail, return receipt requested, or personal service to the owner or the party in control of the property, lessee, and/or person responsible for the sign. If the notice is not complied with within twenty-one (21) days after the sign administrator gives this notice, the sign administrator shall have the authority to initiate proceedings to revoke the permit and remove the sign at the expense of the owner, lessee, or person responsible for such sign.
- (b) Unsafe Signs. Should any sign, in the opinion of the sign administrator, become unsecured, in danger of falling, or otherwise be deemed unsafe or a hazard to persons or property, the sign administrator may give written notice of the condition of the sign to the person owning, leasing, or responsible for the sign. The unsafe condition of the sign must be corrected as requested in the notice or otherwise approved by the sign administrator and in conformity with the provisions of this article. If the unsafe condition of the sign is not corrected as stated in the notice, the sign administrator shall revoke any permits and may initiate legal proceedings to have the sign removed at the expense of the owner, lessee, or person responsible for such sign. In cases of emergency, the sign administrator has the authority to cause an unsafe sign to be immediately removed or secured without notice.

- (c) Removal without Notice. The following signs are deemed a public nuisance, and either the mayor or the sign administrator is authorized to have them removed or impounded without prior notice:
 - (1) Any sign installed or placed in a manner that constitutes a traffic hazard or imminent danger of personal injury;
 - (2) Any sign erected on or over any public right-of-way or on property owned by the city;
 - (3) Any special event sign that has not been removed by the time required by this article.
- (d) Other Remedies. Nothing contained herein shall limit the sign administrator or the city from pursuing any other available legal remedies pursuant to any ordinance or law.

Section 12.211. — Permits and Fees.

- (a) Permit Required. Except as otherwise provided in this article, no person shall display, erect, construct, reconstruct, or alter a sign without having first secured a written permit from the sign administrator. The permit may cover more than one sign but shall apply to only one applicant and one location. A permit to erect, construct, reconstruct, or alter a sign shall be valid for thirty (30) days after issuance. Commencement of actual construction, placement, or work on a sign prior to expiration of the thirty (30) day period shall extend said permit during a reasonable period of time that construction or placement is diligently continued toward completion.
- (b) Permit Fees. Fees for sign permits shall be as provided in the fee schedule established by the city council. Permit fees are not refundable.

Section 12.212. — Application Procedure.

- (a) Required Information. Anyone desiring to erect or place signs within the city shall submit to the sign administrator a permit application on the form required by the city, the appropriate fee, and the following information:
 - (1) Two blueprints or ink drawings of the plans and specifications, including electrical wiring and the method of construction and attachment to the building or in the ground;
 - (2) The proposed location of the sign, including the wall surface of the building to which it is to be attached;

- (3) Sufficient data to show that supporting surfaces and other members of an existing building and/or supports to which the sign is to be attached are in good condition and are sufficient to support the load, including the proposed sign;
 - (4) The name and current contact information of the owner, lessee, or responsible party for the proposed sign; and
 - (5) The name and current contact information of the owner of the land or structure where the sign is to be constructed, erected, or placed.
- (b) Incomplete or Inadequate Information. A sign permit application that does not contain or is not accompanied by all information and materials required by this section or that is otherwise not made in strict conformity with the requirements of this article shall be denied. The sign administrator will provide the unsuccessful applicant with written notice of the reasons for denial.
- (c) Structural and Construction Requirements. Signs for which a sign permit is issued in accordance with this article shall be designed, constructed and installed according to the criteria set forth in the Uniform Building Code, the Uniform Fire Code and the Uniform Electrical Code, including any amendments to such codes that have been adopted by ordinance by the city.
- (d) Measurement of Signs and Allowable Sign Structures. Except as otherwise provided in this article, in computing the allowable square footage per face area of a sign, the entire sign display area, exclusive of any sign supports, shall be included. The maximum height measurement of a sign shall be measured from and include the highest point of the structure above the curb height of the nearest public right-of-way pavement.

Section 12.213. — Administration and Enforcement.

- (a) Administration. The sign administrator, with the mayor's approval, may delegate the duties and powers granted to and imposed upon the sign administrator to other persons who will assist the sign administrator as necessary.
- (b) Powers of Sign Administrator.
- (1) The sign administrator is responsible for the administration of and review and enforcement of permits and requirements of this article.
 - (2) The sign administrator may request permission to enter, for the purposes of inspecting and investigating signs or sign structures, any building, structure, or other premises or property during normal business hours. In an emergency, the sign administrator may request permission to enter the aforementioned structures and premises at any time.

- (3) Upon written notice and issuance of a stop order, work on any sign that is being conducted in a manner contrary to the provisions of this article or in a dangerous or unsafe manner constituting a danger or hazard to the public health, safety, or welfare, as determined by the sign administrator, shall be immediately stopped. Such notice and order shall be given to the sign permit holder or the person doing the work and shall state the conditions under which work may be resumed. Where an emergency exists that constitutes an imminent peril to persons or property, written notice shall not be required to be given by the sign administrator. Following the issuance of a stop order, the sign administrator shall initiate proceedings to revoke any permit issued for the work covered by such order, unless the cause of the stop order is resolved to the sign administrator's satisfaction.
- (4) The sign administrator is hereby granted the power and authority to revoke any permits authorized by this article for violation of the terms and provisions.
- (5) The sign administrator is hereby granted the power and authority to give written notice to maintain, alter, or remove signs or to remove or impound signs without prior notice that are deemed a nuisance, as authorized by this article.

Section 12.214. — Appeals.

Any person wishing to appeal a decision of the sign administrator on the grounds that the decision misconstrues or wrongly interprets this article may appeal the decision to the Board of Adjustments, pursuant to the rules and regulations adopted from time to time by the city council, provided that the appealing party gives notice of the appeal in writing to the city within thirty (30) days after the decision and provided that the appealing party complies with the sign administrator's decision pending appeal unless the sign administrator directs otherwise.

Section 12.215. — Violations and Penalties.

Any person who shall violate any provision of this article shall be deemed guilty of a misdemeanor and shall, upon conviction thereof, be subject to a fine in an amount not to exceed two thousand dollars (\$2000). Each day in which any violation shall occur, or each occurrence of any violation, shall constitute a separate offense.

Section 12.216. — Pending Litigation and Violations.

Upon the passage of this article, the following applies:

- (a) A sign that was previously legal but that is now non-conforming under Section 12.208 remains legal;
- (b) A sign that was previously illegal but that is in compliance with this article is deemed legal; and
- (c) A sign that was previously illegal and that is non-conforming under Section 12.208 remains illegal and is subject to removal under Section 12.210.

It is further the intent and declared purpose of this article that no offense committed, and no liability, penalty or forfeiture, either civil or criminal, incurred before this article was adopted shall be discharged or affected by such adoption; but prosecutions and suits for such offenses, liabilities, penalties, or forfeiture may be instituted and causes presently pending may proceed.

Section 3. Any person, corporation or entity who or which intentionally, knowingly, recklessly, or with criminal negligence violates any provision of this Ordinance shall be deemed guilty of a misdemeanor and upon conviction shall be fined in an amount not to exceed \$2,000.00. Each day in which any violation shall occur, or each occurrence of any violation, shall constitute a separate offense.

Section 4. All ordinances or parts of ordinances inconsistent or in conflict herewith are, to the extent of such inconsistency or conflict, hereby repealed.

Section 5. All ordinances or parts of ordinances inconsistent or in conflict herewith are, to the extent of such inconsistency or conflict, hereby repealed.

Section 6. In the event any clause phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstances shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Hilshire Village, Texas, declares that it would have passed each and every part of the same

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JUNE 26, 2017 (KM)

notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, whether there be one or more parts.

PASSED, APPROVED, AND ADOPTED this _____ day of _____, 2017.

THE CITY OF HILSHIRE VILLAGE

Russell Herron, Mayor

ATTEST:

Susan Blevins, City Administrator