

ORDINANCE #958

AN ORDINANCE AMENDING CHAPTER 3 "BUILDING REGULATIONS", ARTICLE 3.1800 "SIGNS" OF THE LAKE WORTH CITY CODE (2004), AS AMENDED, BY ADDING REGULATIONS FOR KIOSK SIGNS; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Lake Worth is a home rule city acting under its charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Texas Local Government Code; and

WHEREAS, the City Council has a substantial interest in enhancing the economic value of the landscape by avoiding visual clutter which is potentially harmful to property values and business opportunities; and

WHEREAS, the City Council desires to promote safety and efficiency of the City's roadways by reducing the confusion and distraction to motorists and enhancing motorists ability to see pedestrians, obstacles and other vehicles and traffic signs; and

WHEREAS, the City has previously adopted sign regulations that are applicable within the city limits of the City, but which the City Council now desires to modify its current regulations to address the placement and restrictions regarding Kiosk Signs;

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

SECTION 1.

Section 3.1803 "Definitions," of the Lake Worth City Code is hereby amended by adding the following definition:

Sec.3.1803 Definitions

For the purpose of this article, the following words shall have the following meaning(s):

Kiosk Sign. A kiosk sign is a free-standing structure located in city right-of-ways, which feature a City of Lake Worth logo identification panel at the top of each structure. The body of the kiosk sign contains individual panels which display directional information to home builders, subdivisions/developments, municipal or community facilities, community events, Lake Worth Independent School District facilities, churches and business within the city limits.

SECTION 2.

Section 3.1805 "Prohibited Signs" Subsection (b)(2) of the Lake Worth City Code is hereby amended as follows:

Sec. 3.1805 Prohibited Signs

- (b) A person commits an offense if the person attaches, erects or maintains any sign:
- (1) Upon any public utility pole or structure, or on any tree that is located on public land, including a public easement, or in a public right-of-way;
 - (2) Over or on public land, including a public easement, or in a public right-of-way. No sign shall be erected in the right-of-way except movement control, traffic-control devices, street signs, directional signs, or kiosk signs placed by the city or state;
 - (3) Within twenty (20) feet of a paved surface other than a parking lot; or
 - (4) Within twenty (20) feet of a driveway or other ingress to or egress from a property, unless the sign has a ground clearance of greater than eleven (11) feet.

SECTION 3.

Section 3.1814 "Temporary Real Estate Directional Signs," of the Lake Worth City Code

is hereby deleted and replaced with Section 3.1814 "Kiosk Signs":

Sec.3.1814 Kiosk Signs

Kiosk signs are permitted within the city subject to the following regulations:

(A) Kiosk signs are intended to create a uniform coordinated method of providing direction for homebuyers and citizens to the location of home subdivisions, housing developments, and homebuilders. The signs are also intended to provide direction to municipal or community facilities, community events, Lake Worth Independent School District facilities, churches and business within the city limits while discouraging the placement of other unsightly and hazardous off-site directional signs.

(B) The city council may, by duly executed license agreement(s) grant the exclusive right to design, erect, and maintain kiosk signs within the city limits. The city council shall determine the number of kiosk signs to be allowed in the city and in doing so shall consider the policy stated in this Ordinance.

(C) Kiosk signs shall be designed and constructed in accordance with the specifications contained in the aforementioned license agreement in addition to the following general specifications.

(D) Prior to erecting any kiosk sign, the licensee shall submit a sign location map to the City Manager or his/her Designee for approval.

(E) Kiosk sign installations shall include break-away design features as required for traffic signs located in right-of-ways.

(F) No additional or extraneous signs, pennants, flags, or other devices for visual attention or other appurtenances shall be attached to the kiosk signs.

(G) Sign design shall be approved by the City Manager or his/her Designee prior to fabrication. The individual sign panels shall be approved by the City Manager or his/her designee in accordance with the standards set forth in this Ordinance.

(H) Kiosk signs shall not be illuminated.

(I) Kiosk signs shall not interfere with the use of sidewalks, walkways, bike and hiking trails; shall not obstruct the visibility of motorists, pedestrians, or traffic control signs; shall not be installed in the immediate vicinity of street intersections; and shall comply with the 20' x 20' visibility triangle or other visibility easements.

(J) In accordance to the specifications contained in the aforementioned license agreement, a percentage of the kiosk sign individual sign panels shall be reserved for the city to use as directional signage to municipal or community facilities or

locations of community events. If no space is available on a current kiosk sign, a new sign will be provided for the city's use at a location designated by the city.

- (K) There shall be at least 100 feet from any kiosk sign to another kiosk sign.
- (L) Licensee(s) shall be responsible for all construction, installation, maintenance and repair of the kiosk signs at no cost to the city.
- (M) Notwithstanding anything contained herein to the contrary, any sign authorized under this article to contain commercial copy may contain noncommercial copy in lieu of commercial copy.

SECTION 4.

This ordinance shall be cumulative of all provisions of ordinances and of the Revised Code of Ordinances of the City of Lake Worth, Texas (2004), as amended, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances and such Code, in which event the conflicting provisions of such ordinances and such Code are hereby repealed.

SECTION 5.

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs, and sections of this ordinance are severable, and if any phrase, clause sentence, paragraph or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

SECTION 6.

All rights and remedies of the City of Lake Worth are expressly saved as to any and all violations of the Lake Worth City Code, as amended, or any other ordinances affecting building regulations which have accrued at the time of the effective date of this ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this ordinance but may be prosecuted until final disposition by the courts.

SECTION 7.

Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this Ordinance shall be fined not more than Five Hundred dollars (\$500.00) for each offense. However a fine or penalty for the violation of any provision of this ordinance which governs fire, safety, zoning or public health and sanitation may be fined not more than Two Thousand Dollars (\$2,000.00) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

SECTION 8.

The City Secretary of the City of Lake Worth is hereby directed to publish in the official newspaper of the City of Lake Worth the caption and the penalty clause of this ordinance two (2) days as authorized by Section 52.013 of the Local Government Code.

SECTION 9.

This ordinance shall be in full force and effect from and after its passage, and it is so ordained.

PASSED AND APPROVED this 8th day of February, 2011.

Approved:

Walter Bowen
Walter Bowen, Mayor



Attest:

Linda Rhodes
Linda Rhodes, TRMC/CMC
City Secretary

APPROVED AS TO FORM AND LEGALITY:

Jenny Charley
City Attorney