

ORDINANCE NO. O-2010-180

AN ORDINANCE AMENDING ORDINANCE NUMBER 2008-131 OF THE CITY OF MAGNOLIA, TEXAS HERETOFORE INITIALLY PASSED AND APPROVED ON THE 12th DAY OF AUGUST 2008, BY ADDING A NEW SUB-SECTION (D) IN SECTION 13 TO BE ENTITLED “D COMPENSATION FOR RELOCATION RECONSTRUCTION OR REMOVAL OF NON-CONFORMING SIGN.”; REPEALING ALL ORDINANCES IN CONFLICT; PROVIDING SAVINGS CLAUSE AND TEXAS OPEN MEETINGS ACT CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Magnolia has heretofore passed and approved Ordinance 2008-131 Adopting rules and regulations governing the use of signs and sign structures within the City of Magnolia; providing definitions and matters relating to the subject; providing a penalty and repealing prior ordinances; and

WHEREAS, it has been determined by the City Council of the City of Magnolia, Texas that Ordinance 2008-131 needs to be amended to allow the City to provide compensation of the required relocation, reconstruction or removal of a pre-existing non-conforming sign as provided by the Texas Local Government Code; and

WHEREAS, the purpose of this amending ordinance is to provide minimum standards to safeguard life, health, property, and public welfare by regulating and controlling the quality of materials, construction, illumination, installation, and maintenance of all signs and sign structures, to avoid unusual clutter, to preserve and improve the appearance of the community, and to avoid traffic problems caused by distracting signs or structures; and

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

1. The City Council of the City of Magnolia having reviewed the findings of fact and conclusions as herein set out and adopts the same for inclusion in this ordinance if the same had been repeated verbatim herein.
2. Ordinance Number 2008-131 of the City of Magnolia, Texas is hereby amended by adding a new sub-section (D) in Section 13 to be entitled “D. Compensation for Relocation, Reconstruction or Removal of non-conforming Sign.” which shall provide as follows:

“(D) Compensation for Relocation, Reconstruction or Removal of non-conforming Sign. The City Council adopts the Texas Local Government Code, Sections 216.004 through 216.015 for compensation for the requiring of the relocation, reconstruction or removal of non-conforming signs and any amendment thereto. A non-conforming sign. Compensation is not required for signs that fit the exceptions of Section 216.013 of the Texas Local Government Code, as amended.”

3. It is the intention of the City Council of the City of Magnolia that if any phrase, sentence, section, or paragraph of this Ordinance shall be declared unconstitutional or otherwise invalid by final judgment or a court of competent jurisdiction such unconstitutionality or invalidity shall not affect any of the remainder of this Ordinance since the same would have been enacted by the City Council without the incorporation of the unconstitutional or invalid phrase, sentence, section or paragraph.


4. THAT all Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

5. The City Secretary or that office designee is instructed to attach this Amending Ordinance to Ordinance 2008-131 and to provide a Copy to the Municipal Code Corporation.

6. It is hereby officially found and determined that the meeting at which this ordinance is passed was open to the public as required and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551, Texas Local Government Code.

7. The City Secretary is instructed to publish this Ordinance in the Official Newspaper of the City of Magnolia in the manner provided and for the time required by Section 52.011(a) of the Local Government Code. This Ordinance takes effect when the publication requirements are satisfied.

PASSED AND ADOPTED by a vote of 3 "ayes" in favor and 1 "no's" against on this, the 10 day of August, 2010.



Mayor, Todd Kana

Attest:



City Secretary, Debra Brent

Approved as to Form:

Leonard Schneider, City Attorney