

ORDINANCE NO. 10-M-15

AN ORDINANCE OF THE CITY OF SCHERTZ, TEXAS, AMENDING CHAPTER 78 OF THE CITY'S CODE OF ORDINANCES, BY AMENDING SECTION 78-5 REGARDING THE PAINTING OF RESIDENTS' ADDRESSES ON CURBS; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT WITH THIS ORDINANCE AND SUCH CODE; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City Staff recommends the amendment of Section 78.5 of the City's Code of Ordinances regarding address numbers on curbs of residences in the City; and

WHEREAS, the City Council has determined that such action is in the best interests of the citizens of the City of Schertz.

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

Section 1. Section 78-5 of the Code or Ordinances is hereby amended by the modification of subsection (a) and the addition of new subsections (b)-(f) and the redesignation of subsection (b) as subsection (g), to read as follows:

"Sec. 78-5 Painting or placing signs, poles, posts, etc., on streets and sidewalks.

(a) Except as set forth in subsection (b) below, it shall be unlawful for any person to place or cause to be placed or paint or cause to be painted upon any sidewalk, street, or in any public right-of-way within the corporate limits of the city any sign, notice, pole, post, or any other structure.

(b) The painting of reflective address numbers on the curb in front of residents' homes will be allowed (i) to assist emergency services (EMS, Fire, and Police Departments) in quickly and safely locating callers with emergencies both day and night and (ii) to assist delivery persons and visitors to easily find residents in the City.

(c) Persons soliciting to paint address numbers on the curbs in front of residences must complete an application and obtain a permit from the City.

(i) The name, address, and telephone number of each individual who will do such work must be listed on the application. A fee of \$50.00 is required for such a permit. The fee may be waived by the City Manager or his/her designee for non-profit, tax-exempt groups including, but not limited to, Boy Scouts, Girl Scouts, sports leagues, civic groups, or church groups. A copy of any document soliciting curb painting must be approved by the City Manager or his/her designee. Such solicitation document shall include the following statement (printed in boldface type, 12 point font or greater) **"Painting address numbers on the curb is optional and not required by the City of Schertz"**. A copy of the solicitor's form and permit must be on file with the City.

(ii) The person performing the work must have the permit in his/her possession. Only those persons listed on the permit may perform the work. No permit may be transferred or assigned to another person or company without the prior written consent of the City Manager or his/her designee.

(iii) A permit is valid for 90 days. Persons can re-apply in accordance with City of Schertz Code of Ordinances, Chapter 62 – Peddlers and Solicitors.

(iv) No permit is required for a resident to paint the address of his/her residence on the curb in front of his/her residence.

(d) All solicitors and residents must adhere to the following guidelines:

(i) Homeowners should consult their homeowner’s association rules (if applicable) before painting or authorizing any curb painting.

(ii) The address numbers must be painted white, 3 inches high, centered within a 5 inch high, dark colored background. The numbers must be painted with reflective paint. The background must be rectangular in shape and not longer than 20”. The address block must be placed within 6” of the driveway apron on the curb or centered on the curb if there is no driveway.

(iii) Unacceptable work must be removed or corrected within 10 working days after receiving a citation from the City.

(e) Any painting of signs, symbols, or numerals properly performed under the provisions of this section shall not be subject to the provisions of other ordinances of the City of Schertz regulating signs.

(f) Any person who fails to comply with the provisions of subsections (b)-(e) hereof shall be subject to the issuance of a citation and the payment of a fine. Each day that such markings, paintings, or signs remain in place shall constitute a separate offense. In addition to and cumulative thereof the City of Schertz, Texas shall also have the right to seek an injunction to enjoin any violation of this section.

(g) It shall be the duty of the city manager or his/her designee to remove any sign, pole, post, or other structure found in violation of this section.”

Section 2. The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Ordinance for all purposes and are adopted as a part of the judgment and findings of the Council.

Section 3. All ordinances or codes, or parts thereof, which are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters resolved herein.

Section 4. This Ordinance shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

Section 5. If any provision of this Ordinance or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Ordinance and the application of such provision to other persons and circumstances shall nevertheless be valid, and the City hereby declares that this Ordinance would have been enacted without such invalid provision.

Section 6. It is officially found, determined, and declared that the meeting at which this Ordinance is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Ordinance, was given, all as required by Chapter 551, as amended, Texas Government Code.

Section 7. This Ordinance shall be effective upon the date of final adoption hereof and any publication required by law.

PASSED ON FIRST READING, the 8th day June, 2010.

PASSED, APPROVED and ADOPTED ON SECOND READING, the 15th day of June, 2010.

Mayor, City of Schertz, Texas

ATTEST:

City Secretary, City of Schertz, Texas

(Seal of City)