

**TOWN OF BARTONVILLE  
ORDINANCE NO. 490-10**

**AN ORDINANCE AMENDING TOWN OF BARTONVILLE CODE OF ORDINANCES, BY REPEALING CHAPTER 3, ARTICLE 3.400, SIGN REGULATIONS, SECTION 3.404, GENERAL REGULATIONS, SUBSECTION 3.404(U) IN ITS ENTIRETY AND REPLACING IT WITH NEW REGULATIONS FOR TEMPORARY BANNERS; PROVIDING REGULATIONS AND LIMITATIONS FOR GENERAL AND EVENT TEMPORARY BANNER PERMITS; PROVIDING THAT THIS ORDINANCE IS CUMULATIVE OF ALL OTHER ORDINANCES; PROVIDING FOR SAVINGS; PROVIDING SEVERABILITY; PROVIDING FOR ENGROSSMENT AND ENROLLMENT; PROVIDING FOR SAVINGS; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND NAMING AN EFFECTIVE DATE.**

**WHEREAS**, the Town Council of the Town of Bartonville has determined that it is in the best interest of the health, safety, and welfare of its citizens to amend Chapter 3, Article 3.400, Section 3.404(u), of the Code of Ordinances to provide for regulations and limitations for general and event type temporary banners.

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BARTONVILLE, TEXAS, THAT:**

**SECTION 1.  
INCORPORATION OF PREMISES**

The above and foregoing premises are true and correct and are incorporated herein and made a part hereof for all purposes.

**SECTION 2.**

The Code of Ordinances of the Town of Bartonville, Texas, be, and the same is, hereby amended by repealing Chapter 3, Article 3.400, Section 3.404(u), in its entirety and providing new regulations for temporary banners to read as follows:

**“ Section 3.404**

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- (u) 1) **Temporary banners (general).** In non-residential zoning districts a temporary banner promoting a specific business is allowed, For example, the banner may contain announcement language such as, but not limited to, "now leasing," grand opening," "Holiday Specials" or "now enrolling". These types of banners are permitted on a temporary basis for a maximum of fifteen (15) days, one time per calendar quarter, per business or organization. Banners shall not advertise any off premise activity or

event. Maximum size shall be 50 square feet. A banner must be attached to a building or be self-supported. Banners are prohibited from being attached to trees or utility poles. No more than three (3) (event and/or general) temporary banners will be permitted on a single tract of land at a time. A permit containing the language as stated on the banner, location and date to be moved shall be required. In the event a banner remains in place beyond the 15-day maximum number of permitted days, each day it remains in place, shall be deducted from the next permit period. Unused days or time may not be carried over to the next banner permit. The temporary all only display advertising that pertains to the principal business or activity of the tenant or property owner. No permit fee will be required.

2) **Temporary Banners (events).** In non-residential zoning districts a temporary banner promoting a community event is allowed when the intent is to promote an event benefiting the community. Event banners may not promote or advertise a specific tenant or business and shall not be issued to tenants, only center or property owners. For example, the banner may contain announcement language such as, but not limited to, "Breakfast with Santa," "Classic Car Show," or "Easter Egg Hunt." These types of banners are permitted on a temporary basis for a maximum of fifteen (15) days, six (6) times per calendar year. Banners shall not advertise any off premise activity or event. The maximum size of the face of the banner shall be no more than 50 square feet. A banner must be attached to a building or be self-supported. Banners are prohibited from being attached to trees or utility poles. No more than three (3) (event and/or general) temporary banners will be permitted on a single tract of land at a time. A permit containing the language as stated on the banner, location and date to be moved shall be required. In the event a banner remains in place beyond the 15-day maximum number of permitted days, each day it remains in place, shall be deducted from the next permit period. Unused days or time may not be carried over to the next banner permit. No permit fee will be required.

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**SECTION 3.  
CUMULATIVE CLAUSE**

This Ordinance shall be cumulative of all provisions of Ordinances of the Town of Bartonville, Texas except where the provisions of this Ordinance are in direct conflict with the provisions of such Ordinances, in which event the conflicting provisions of such Ordinances are hereby repealed.

**SECTION 4.  
SAVINGS.**

An offense committed before the effective date of this ordinance is governed by prior law and the provisions of the Town of Bartonville Code of Ordinances, as amended, in effect when the offense was committed and the former law is continued in effect for this purpose.

**SECTION 5.  
SEVERABILITY**

It is hereby declared to be the intention of the Town Council of The Town of Bartonville 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 should 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, or sections of this Ordinance, since the same would have been enacted by the Town Council without incorporation in this Ordinance of any such unconstitutional phrase, clause, sentence, paragraph, or section.

**SECTION 6.  
ENGROSSMENT AND ENROLLMENT**

The Town Secretary of the Town of Bartonville is hereby directed to engross and enroll this Ordinance by copying the exact Caption and the Effective Date clause in the minutes of the Town Council of the Town of Bartonville and by filing this Ordinance in the Ordinance records of the Town.

**SECTION 7.  
PUBLICATION**

The Town Secretary of the Town of Bartonville is hereby directed to publish in the Official Newspaper of the Town of Bartonville the Caption and the Effective Date of this Ordinance for two (2) days.

**SECTION 8  
EFFECTIVE DATE**

This Ordinance shall be in full force and effect upon passage and publication in the official newspaper.

**AND, IT IS SO ORDAINED.**

**PASSED AND APPROVED this the 16<sup>th</sup> day of February, 2010.**

APPROVED:

(Seal)

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Ron Robertson, Mayor

ATTEST:

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Debbie E. Millican, Town Administrator