



The City of Liberty
City Council
Regular Meeting
~ Agenda ~

1829 Sam Houston
Liberty, TX 77575
www.cityofliberty.org

Dianne Tidwell
City Secretary
(936) 336-3684

Tuesday, January 10, 2017

6:00 PM

City Council Chambers

The City Council of Liberty, Texas reserves the right to meet in closed session on any agenda item should the need arise and if applicable pursuant to authorization by Title 5, Chapter 551 of the Texas Government Code.

I. CALL TO ORDER

Attendee Name	Present	Absent	Late	Arrived
Mayor Carl Pickett	☐	☐	☐	
Mayor Pro Tem Diane Huddleston	☐	☐	☐	
Councilperson Dennis Beasley	☐	☐	☐	
Councilperson Louie Potetz	☐	☐	☐	
Councilperson Libby Simonson	☐	☐	☐	
Councilperson David Arnold	☐	☐	☐	
Councilperson Paul Glazener	☐	☐	☐	

II. INVOCATION

III. PLEDGE OF ALLEGIANCE

IV. ACKNOWLEDGEMENT OF GUESTS AND VISITORS / PUBLIC COMMENT

Public Comment is reserved for members of the public who would like to address the City Council regarding agenda and non-agenda items. Please be aware that, under Texas Law, the Council may not deliberate or take any action during Citizen's comments for items not on the agenda. In some situations, City Staff may be able to respond to the public comment with a factual statement or clarification. The City Council may have the item placed on a future agenda for action or refer the item to Management and Staff for study or conclusion.

V. PRESENTATIONS / REPORTS

A. Information Item (ID # 3683)

LISD Video Presentation - Mayor Pickett

B. Information Item (ID # 3684)

Project Updates - City Mgr. G. Broz

C. Information Item (ID # 3685)

Election Update - City Sec. D. Tidwell

VI. CONSENT AGENDA

All consent items listed are considered to be routine by the City Council and will be enacted by one motion. There will be no separate discussion of these items unless a Council Member so requests, and if such a request is made, the item will be removed from the Consent Agenda and considered in a normal sequence on the agenda.

A. Minutes Approval

1. Tuesday, December 13, 2016

VII. REGULAR AGENDA**A. Regular Session****1. Resolution 2017-1**

Consider approval of a Resolution adopting certain civil rights and equal opportunity policies to ensure compliance with state and federal policies.

2. Information Item (ID # 3694)

Proclamation declaring January as Fair Housing Month.

- Proclamation-Fair Housing Month (DOC)

3. Ordinance 2017-1

Consider adoption of an Ordinance amending the Code of Ordinances, Article 3.09 regarding the regulation of temporary signs, abandoned signs, electronic signs and signs in the Downtown District.

- Sign Ordinance-Mark-up (DOCX)

4. Council Action 2017-1

Discussion with Texas Department of Transportation Officials regarding concerns with Hwy. 146N, and take any action deemed necessary.

5. Ordinance 2017-2

Consider adoption of an Ordinance amending the Fiscal Year 2016-2017 Budget.

- Exhibit A Budget Amendment (PDF)

6. Ordinance 2017-3

Consider adoption of an Ordinance vacating and abandoning a portion of Vera Lane between Lee Street and Still Forest Drive.

- Agenda Form-Vera Lane (DOCX)
- Vera Lane Map (PDF)

7. Council Action 2017-2

Consider approval of the Preliminary Plat of the Holly Manor Subdivision, and take any action deemed necessary.

- Agenda Form-Holly Manor (DOCX)

8. Council Action 2017-3

Consider appointments to the 2017 Charter Review Commission.

VIII. ADJOURNMENT

A. Motion To: Adjourn

I certify that the attached Notice of Meeting was posted on the bulletin board and in the Message Centers located on the east and west sides of the City Hall Administration Building, located at 1829 Sam Houston on the 6th day of January, 2017 at 3:00 p.m. This notice will remain so posted continuously for at least 72 hours preceding the scheduled time of said meeting in accordance with Chapter 551 of the Texas Government Code.


Dianne Tidwell, City Secretary

NOTICE

In compliance with the Americans with Disabilities Act, the City of Liberty will provide reasonable accommodation for persons attending and/or participating in this Council Meeting. To better serve you, requests must be made at least 24 hours prior to the meeting. Contact the City at (936) 336-3684 or by Fax at (936) 336-9846. The building is wheelchair accessible, with parking available, on the west side of the building.

I certify that the attached Notice and Agenda of items to be considered by the City Council was removed by me from the bulletin board at the City Hall on the _____ day of _____, 2017.



The City of Liberty

City Council
1829 Sam Houston
Liberty, TX 77575

5.A

Meeting: 01/10/17 06:00 PM

Department: Administration
Category: Presentations

INFORMATION ITEM (ID # 3683)

DOC ID: 3683



The City of Liberty

City Council
1829 Sam Houston
Liberty, TX 77575

5.B

Meeting: 01/10/17 06:00 PM

Department: Administration
Category: Reports

INFORMATION ITEM (ID # 3684)

DOC ID: 3684



The City of Liberty

City Council
1829 Sam Houston
Liberty, TX 77575

5.C

Meeting: 01/10/17 06:00 PM

Department: Administration
Category: Reports

INFORMATION ITEM (ID # 3685)

DOC ID: 3685



The City of Liberty
City Council
Regular Meeting
~ Minutes ~

1829 Sam Houston
 Liberty, TX 77575
www.cityofliberty.org

Dianne Tidwell
 City Secretary
 (936) 336-3684

Tuesday, December 13, 2016

6:00 PM

City Council Chambers

I. CALL TO ORDER

Attendee Name	Title	Status	Arrived
Carl Pickett	Mayor	Present	
Diane Huddleston	Mayor Pro Tem	Present	
Dennis Beasley	Councilperson	Present	
Louie Potetz	Councilperson	Present	
Libby Simonson	Councilperson	Present	
David Arnold	Councilperson	Present	
Paul Glazener	Councilperson	Present	
Gary Broz	City Manager	Present	
Dianne Tidwell	City Secretary	Present	
Brandon Davis	City Attorney	Present	

II. INVOCATION

Mayor Pickett passed on the Invocation.

III. PLEDGE OF ALLEGIANCE

The pledge to the American and Texas flags was led by Coach Slack and Coach Slack, respectively.

IV. ACKNOWLEDGEMENT OF GUESTS AND VISITORS / PUBLIC COMMENT

Public Comment is reserved for members of the public who would like to address the City Council regarding agenda and non-agenda items. Please be aware that, under Texas Law, the Council may not deliberate or take any action during Citizen's comments for items not on the agenda. In some situations, City Staff may be able to respond to the public comment with a factual statement or clarification. The City Council may have the item placed on a future agenda for action or refer the item to Management and Staff for study or conclusion.

Mayor Pickett welcomed guests and visitors, opening the floor for public comment to those individuals wishing to address the Council. Mr. Bill Killian, LT's Garbage Service reported on the City's new solid waste service to date and thanked Council and Management for the opportunity to serve the City.

Minutes Acceptance: Minutes of Dec 13, 2016 6:00 PM (Minutes Approval)

The following comments were made by Council, Management and Staff:

Mayor Pickett reported on a Blood Drive to be held December 21 in the Liberty Center for DPS Trooper Chad Blackburn. Mayor Pickett also wished everyone a Merry Christmas and Happy New Year.

V. PRESENTATIONS / REPORTS

A. Information Item (ID # 3668)

Proclamation-Liberty High School Football Team-Mayor Pickett

COMMENTS - Current Meeting:

Mayor Pickett read a Proclamation honoring the Liberty High School Football Team for their success on the field in reaching the Regional Semi-Finals for the first time in 53 years.

Coach Taylor thanked the Council for the proclamation and expressed appreciation for the support shown by the community.

B. Information Item (ID # 3664)

Project Updates - City Mgr. G. Broz

COMMENTS - Current Meeting:

City Manager Gary Broz reported on the status of current city projects:

- Success of the Annual Employee Christmas Dinner
- Water and Wastewater projects moving ahead
- Repair work continues on sinkholes
- Electric upgrades moving slowly, easement issues being addressed
- Should receive approximately \$1.2 million in FEMA funds
- Hardin and Ames wastewater flows
- New sinkhole at San Jacinto and Edgewood
- Other City projects.

C. Information Item (ID # 3665)

Sam Rayburn Municipal Power Agency - Mayor Pickett

COMMENTS - Current Meeting:

Mayor Pickett reported on transformer installation, Agency lawsuit and SRMPA minutes.

D. Information Item (ID # 3666)

Charter Review Commission - City Sec. D. Tidwell

COMMENTS - Current Meeting:

City Secretary Dianne Tidwell reported that appointments to the 2017 Charter Review Commission would take place at the January Council Meeting. Ms. Tidwell reviewed the Commission membership and previous 2015 Commission members.

E. Information Item (ID # 3667)

City Council Filing Period - City Sec. D. Tidwell

COMMENTS - Current Meeting:

City Secretary Dianne Tidwell reported on the upcoming General Election for Council Members to be held May 6, 2017. Ms. Tidwell reported on those whose terms expire and the period for filing an application for a place on the ballot. Those dates are January 18 thru February 17, 2017. Ms. Tidwell also stated that candidate packets will soon be available in the City Secretary's Office and on the City's website.

VI. CONSENT AGENDA

All consent items listed are considered to be routine by the City Council and will be enacted by one motion. There will be no separate discussion of these items unless a Council Member so requests, and if such a request is made, the item will be removed from the Consent Agenda and considered in a normal sequence on the agenda.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Dennis Beasley, Councilperson
SECONDER:	Paul Glazener, Councilperson
AYES:	Pickett, Huddleston, Beasley, Potetz, Simonson, Arnold, Glazener

A. Minutes Approval

1. Tuesday, November 08, 2016
2. Tuesday, November 15, 2016
3. Friday, November 18, 2016

VII. REGULAR AGENDA

A. Regular Session

1. Ordinance 2016-18

Consider adoption of an Ordinance of the City of Liberty, Texas annexing a 147.2 Acre (0.23 square miles) tract of land, providing for the extension of certain boundary limits of the City to include certain territory described by Liberty County Appraisal District Records as Property ID # 15145; 19047; 18848; and 18847; approving petitions for voluntary annexation by certain

owners in the territory to be annexed; authorizing Local Government Code Chapter 380 Agreements providing a tax refund to certain properties; providing that annexed territory bears pro rata part of taxes; adopting a Service Plan for the annexed properties; authorizing Development Agreements for certain properties to remain in the Extraterritorial Jurisdiction of the City; providing a savings clause; and dispensing with the requirement of Section 3.10 of the Home Rule Charter that all ordinances be read on two separate days.

COMMENTS - Current Meeting:

Mayor Pickett read the caption of the Ordinance into the record as follows:

"CONSIDER ADOPTION OF AN ORDINANCE OF THE CITY OF LIBERTY, TEXAS ANNEXING A 147.2 ACRE (0.23 SQUARE MILES) TRACT OF LAND, PROVIDING FOR THE EXTENSION OF CERTAIN BOUNDARY LIMITS OF THE CITY TO INCLUDE CERTAIN TERRITORY DESCRIBED BY LIBERTY COUNTY APPRAISAL DISTRICT RECORDS AS PROPERTY ID # 15145; 19047; 18848; AND 18847; APPROVING PETITIONS FOR VOLUNTARY ANNEXATION BY CERTAIN OWNERS IN THE TERRITORY TO BE ANNEXED; AUTHORIZING LOCAL GOVERNMENT CODE CHAPTER 380 AGREEMENTS PROVIDING A TAX REFUND TO CERTAIN PROPERTIES; PROVIDING THAT ANNEXED TERRITORY BEARS PRO RATA PART OF TAXES; ADOPTING A SERVICE PLAN FOR THE ANNEXED PROPERTIES; AUTHORIZING DEVELOPMENT AGREEMENTS FOR CERTAIN PROPERTIES TO REMAIN IN THE EXTRATERRITORIAL JURISDICTION OF THE CITY; PROVIDING A SAVINGS CLAUSE; AND DISPENSING WITH THE REQUIREMENT OF SECTION 3.10 OF THE HOME RULE CHARTER THAT ALL ORDINANCES BE READ ON TWO SEPARATE DAYS."

Mr. Art Pertile, Olson & Olson, LLP was present to report on the annexation process to include notification of property owners, public hearings, and other related issues. Mr. Pertile described the property to be annexed, none of which include any residences.

A motion was made to adopt the Ordinance providing for the extension of certain boundaries of the City of Liberty, described as a 147.2 Acre (0.23 sq. miles) tract of land, to include certain territory described by Liberty County Appraisal District Records as Property ID # 15145; 19047; 18848; and 18847.

ATTACHMENTS:

- Exhibit 1-Phase II Ord Adoption (PDF)
- Exhibit 2 - Phase II Ord Adoption (PDF)
- Exhibit 3-Phase II Ord Adoption (PDF)
- Exhibit 4-Phase II Ord Adoption (PDF)
- Exhibit 5-Phase II Ord Adoption (PDF)

RESULT:	ADOPTED [6 TO 1]
MOVER:	Dennis Beasley, Councilperson
SECONDER:	Diane Huddleston, Mayor Pro Tem
AYES:	Pickett, Huddleston, Beasley, Simonson, Arnold, Glazener
NAYS:	Louie Potetz

2. Resolution 2016-9

Consider a Resolution declaring the intention of the City of Liberty, Texas, to annex certain territory described as 1.03 square miles beginning at the Southeast Corner of the Rayonier Texas Timberlands Acquisition LLC Tract recorded in the Official Public Records, Liberty County, Texas, having coordinates of N:9993970.39 E:4047961.98; setting the dates, times, and places for two public hearings at which all interested parties shall have an opportunity to be heard; providing for publication of notices of such public hearing; and directing preparation of a Municipal Service Plan for the territory proposed to be annexed.

COMMENTS - Current Meeting:

Mr. Art Pertile, Olson & Olson LLP was present to discuss the proposed Phase III Annexation. Mr. Pertile described the proposed annexation as five (5) properties, with two (2) being ag exempt properties. Mr. Pertile further reviewed the process to include notification of property owners and public hearings. This property is described as 1.03 square miles beginning at the Southeast Corner of the Rayonier Texas Timberlands Acquisition LLC Tract recorded in the Official Public Records, Liberty County, Texas, having coordinates of N:9993970.39, E:4047961.98.

A motion was made to approve the Resolution of Intent to annex the above-mentioned property.

ATTACHMENTS:

- Phase III Resolution - Tract 3 Metes & Bounds (PDF)

RESULT:	APPROVED [6 TO 1]
AYES:	Pickett, Huddleston, Beasley, Simonson, Arnold, Glazener
NAYS:	Louie Potetz

3. Ordinance 2016-19

Consider adoption of an Ordinance amending the Master Fee Schedule to include fees associated with refuse collection.

COMMENTS - Current Meeting:

City Manager Gary Broz reported on various options and related costs for removing refuse from the right-of-way of a street or alley not previously collected through regular solid waste collection services. Reference for the City's authority to remove this type of debris is found in the City's Code of Ordinances, Section 13.04.050.

After lengthy discussion, a motion was made to amend the Master Fee Schedule Ordinance to include fees for this service as follows: Option #4 -\$10 Administrative Fee and a fee of \$25.00 per cubic yard; with this service to be provided by LT's Garbage Service on a case by case basis.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Libby Simonson, Councilperson
SECONDER:	Diane Huddleston, Mayor Pro Tem
AYES:	Pickett, Huddleston, Beasley, Potetz, Simonson, Arnold, Glazener

4. Council Action 2016-113

Consider award of a new pickup truck for the Street Department.

COMMENTS - Current Meeting:

City Manager Gary Broz reported on proposals for a pickup for the Street Department. Mr. Broz reviewed the budgeted amount of \$23,500.00 and the quotes from the following:

Liberty-Dayton Chrysler - Dodge	\$22,400.00
BJ Ford	\$25,337.00
Turner Chevrolet - Crosby	\$36,230.00

After brief discussion, a motion was made to award the purchase of the vehicle from Liberty-Dayton Chrysler for a cost of \$22,400.00.

ATTACHMENTS:

- Vehicle Costs (PDF)

RESULT: APPROVED [UNANIMOUS]
MOVER: Paul Glazener, Councilperson
SECONDER: Dennis Beasley, Councilperson
AYES: Pickett, Huddleston, Beasley, Potetz, Simonson, Arnold, Glazener

5. Council Action 2016-114

Consider award of a new pickup truck and cage for the Animal Control Department.

COMMENTS - Current Meeting:

City Manager Gary Broz reported on a proposed vehicle purchase for the Animal Control Department. Proposals were received from Liberty-Dayton Chrysler in the amount of \$40,000 and BJ Ford in the amount of \$39,599.50.

After brief discussion of the \$39,000 budget for this vehicle and the extra space provided in the Dodge vehicle, a motion was made to award the purchase of the new vehicle to Liberty-Dayton Chrysler in the amount of \$40,000.

ATTACHMENTS:

- Vehicle Costs (PDF)

RESULT: APPROVED [UNANIMOUS]
MOVER: Diane Huddleston, Mayor Pro Tem
SECONDER: Paul Glazener, Councilperson
AYES: Pickett, Huddleston, Beasley, Potetz, Simonson, Arnold, Glazener

6. Council Action 2016-115

Consider award of a vehicle for the Police Department, CID Division.

COMMENTS - Current Meeting:

City Manager Gary Broz reported on the proposed purchase of a vehicle for the Police Department CID. Bids were received from Liberty-Dayton Chrysler for a 4D Sedan (Charger) in the amount of \$21,100.00 and a 4D Sedan (Fusion) from BJ Ford in the amount of 21,043.25, each to include a new \$3600 radio.

After brief discussion of these vehicles, a motion was made to approve the purchase of the Ford Fusion from BJ Ford, to include the \$3600 radio, in the amount of \$21,043.25.

ATTACHMENTS:

- Vehicle Costs (PDF)

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Libby Simonson, Councilperson
SECONDER:	Dennis Beasley, Councilperson
AYES:	Pickett, Huddleston, Beasley, Potetz, Simonson, Arnold, Glazener

7. Council Action 2016-116

Consider award of contract for the demolition of the apartment building located at 1309 N. Main Street.

COMMENTS - Current Meeting:

City Attorney Brandon Davis reported on the proposed demolition of the apartment building located at 1309 N. Main Street. Mr. Davis stated that this property was taken for taxes and the various taxing entities have signed Interlocal Agreements and deeded their ownership to the City of Liberty. The City will demolish the structure, place the property for sale, and any remaining funds over and above the entire cost of demolition will be pro-rated among the taxing entities. Mr. Davis reported that the Central Appraisal District value for this property (not to include the structure) is \$69,530.00.

After discussion of the property and related issues, a motion was made to approve the low bid for the demolition from Scarberry Demolition, Inc., La Marque, Texas and a property appraisal prior to sale of the property.

ATTACHMENTS:

- Demolition Quotes (PDF)

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Dennis Beasley, Councilperson
SECONDER:	David Arnold, Councilperson
AYES:	Pickett, Huddleston, Beasley, Potetz, Simonson, Arnold, Glazener

8. Council Action 2016-117

Consider award of contract for a new splash pad at the Liberty Municipal Park.

COMMENTS - Current Meeting:

Public Works Director Tom Warner reported on proposals received for rehabilitation of the splash pad and additional features at the Liberty Municipal Park. Lengthy discussion was held regarding the proposals from Kraftsman, Fun Abounds, and Heart Land Play, to include the various options and costs for restoration.

A motion was made to approve Proposal No. 2 (replace filtration system & restoration of existing spray features and enlarge splash pad and install new spray features) from Fun Abounds in the amount of \$307,862.00.

ATTACHMENTS:

- Splash Pad Proposals (PDF)

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Diane Huddleston, Mayor Pro Tem
SECONDER:	David Arnold, Councilperson
AYES:	Pickett, Huddleston, Beasley, Potetz, Simonson, Arnold, Glazener

9. Council Action 2016-119

Discussion regarding chairs and tables in the Liberty Center, and take any action deemed necessary.

COMMENTS - Current Meeting:

Management and Council discussed the need for new chairs and tables for the Liberty Center. Topics of discussion and direction to management included contacting vendors for recommendation for sturdy and long lasting chairs, prices for round tables (of which the City currently has none) and other related topics.

RESULT:	NO ACTION TAKEN
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10. Council Action 2016-120

Consider appointments to the 2016-2019 Airport Advisory Board.

COMMENTS - Current Meeting:

City Secretary Dianne Tidwell reported on the Airport Advisory Board, membership requirements and the current Board Members. After brief discussion, a motion was made to reappoint the following members to the 2016-2019 Airport Advisory Board:

Bill Sjolander, Dale Clawson, Mike McCarty, Chet Tims, Dennis Beasley and Darrell Taylor.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Libby Simonson, Councilperson
SECONDER:	Diane Huddleston, Mayor Pro Tem
AYES:	Pickett, Huddleston, Beasley, Potetz, Simonson, Arnold, Glazener

11. Council Action 2016-121

Consider appointments to the 2016-2019 Community Development Advisory Board.

COMMENTS - Current Meeting:

City Secretary Dianne Tidwell reported on the Community Development Advisory Board, membership requirements and current Board Members. After brief discussion, a motion was made to appoint the following members to the 2016-2019 Community Development Advisory Board:

Frank Jordan, Donny Smith, Howard Brister, Jaime Carter, Holly Hargis, Martha Goodwin, and Paul Glazener.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Libby Simonson, Councilperson
SECONDER:	Diane Huddleston, Mayor Pro Tem
AYES:	Pickett, Huddleston, Beasley, Potetz, Simonson, Arnold, Glazener

B. WORK SESSION

1. Work Session (ID # 3680)

Discussion of the Sign Ordinance.

COMMENTS - Current Meeting:

City Attorney Brandon Davis led a discussion regarding the City's Sign Ordinance and recent rulings from the U.S. Supreme Court that rendered a determination that a city ordinance that causes a city employee to read a sign to decide how the ordinance applies to that sign, is an inappropriate ordinance.

Mr. Davis reviewed the ordinance with changes to be made subject to the rulings and other necessary changes. This ordinance will be brought before Council at the January meeting.

2. Work Session (ID # 3681)

Discussion of tiny homes and building regulations.

COMMENTS - Current Meeting:

Public Works Director led a discussion of tiny homes, building regulations, and placement/location of these homes. Mr. Warner stated that the general size of these homes is approximately 400 square feet. Most cities regulate these homes by use of zoning laws, however the City of Liberty, with no zoning, must find an alternate way to regulate these homes. Mr. Warner continued by stating that some cities are promoting tiny home communities. Lengthy discussion ensued, with this item to be placed on a future meeting agenda.

C. Executive Session

Government Code §551.071

Private Consultation with Attorney on all subjects or matters authorized by law:

1. Pending and/or Contemplated Litigation - Engineering Contract.

At 8:20 p.m., Mayor Pickett closed the open meeting and opened the Executive Session as authorized above.

D. Reconvene into Regular Session

At 8:45 p.m., Mayor Pickett closed the Executive Session and reconvened the open meeting.

Minutes Acceptance: Minutes of Dec 13, 2016 6:00 PM (Minutes Approval)

1. Council Action 2016-118

Consider and take action, if any, on the items as discussed in the Executive Session.

COMMENTS - Current Meeting:

A motion was made to authorize the City Manager to handle the issues as discussed in the Executive Session.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Libby Simonson, Councilperson
SECONDER:	Paul Glazener, Councilperson
AYES:	Pickett, Huddleston, Beasley, Potetz, Simonson, Arnold, Glazener

VIII. ADJOURNMENT

A. Motion To: Adjourn

COMMENTS - Current Meeting:

There being no further business before the Council, Mayor Pickett adjourned the meeting at 8:46 p.m.

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Carl Pickett, Mayor

ATTEST:

Dianne Tidwell, City Secretary

Minutes Acceptance: Minutes of Dec 13, 2016 6:00 PM (Minutes Approval)



The City of Liberty

City Council
1829 Sam Houston
Liberty, TX 77575

7.A.1

Meeting: 01/10/17 06:00 PM

Department: Administration
Category: Policy Issues

RESOLUTION 2017-1

DOC ID: 3686 A

Civil Rights Resolution

The City of Liberty Texas

Whereas, the City of Liberty, Texas, (hereinafter referred to as "City of Liberty") has been awarded TxCDBG funding through a TxCDBG grant from the Texas Department of Agriculture (hereinafter referred to as "TDA");

Whereas, the City of Liberty, in accordance with Section 109 of the Title I of the Housing and Community Development Act. (24 CFR 6); the Age Discrimination Act of 1975 (42 U.S.C. 6101-6107); and Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) and for construction contracts greater than \$10,000, must take actions to ensure that no person or group is denied benefits such as employment, training, housing, and contracts generated by the CDBG activity, on the basis of race, color, religion, sex, national origin, age, or disability;

Whereas, the City of Liberty, in consideration for the receipt and acceptance of federal funding, agrees to comply with all federal rules and regulations including those rules and regulations governing citizen participation and civil rights protections;

Whereas, the City of Liberty, in accordance with Section 3 of the Housing and Urban Development Act of 1968, as amended, and 24 CFR Part 135, is required, to the greatest extent feasible, to provide training and employment opportunities to lower income residents and contract opportunities to businesses in the TxCDBG project area;

Whereas, the City of Liberty, in accordance with Section 104(1) of the Housing and Community Development Act, as amended, and State's certification requirements at 24 CFR 91.325(b)(6), must adopt an excessive force policy that prohibits the use of excessive force against non-violent civil rights demonstrations;

Whereas, the City of Liberty, in accordance with Section 504 of the Rehabilitation Act of 1973, does not discriminate on the basis of disability and agrees to ensure that qualified individuals with disabilities have access to programs and activities that receive federal funds; and

Whereas, the City of Liberty, in accordance with Section 808(e)(5) of the Fair Housing Act (42 USC 3608(e)(5)) that requires HUD programs and activities be administered in a manner affirmatively to further the policies of the Fair Housing Act, agrees to conduct at least one activity during the contract period of the TxCDBG contract, to affirmatively further fair housing;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LIBERTY TEXAS, that the CITY OF LIBERTY ADOPTS/REAFFIRMS THE FOLLOWING:

1. Citizen Participation Plan and Grievance Procedures (Form A1013);
2. Section 3 Policy (Form A1002);
3. Excessive Force Policy (Form A1003);
4. [If Grant Recipient employs 15 or more employees], Section 504 Policy and Grievance Procedures (Form A1004); and
5. Fair Housing Policy (Exhibit 1015).

Passed and approved this 10th day of January, 2017.

Signature of Elected Official

Carl Pickett

Printed Name of Elected Official

City of Liberty

Date _____

Fair Housing Month Proclamation Proclamation of January as Fair Housing Month

WHEREAS Title VIII of the Civil Rights Act of 1968, as amended, prohibits discrimination in housing and declares it a national policy to provide, within constitutional limits, for fair housing in the United States; and

WHEREAS The principle of Fair Housing is not only national law and national policy, but a fundamental human concept and entitlement for all Americans; and

WHEREAS The National Fair Housing Law, during the month of January, provides an opportunity for all Americans to recognize that complete success in the goal of equal housing opportunity can only be accomplished with the help and cooperation of all Americans.

NOW, THEREFORE, WE, the City Council of Liberty, do proclaim January as Fair Housing Month in the City of Liberty and do hereby urge all the citizens of this locality to become aware of and support the Fair Housing law.

IN WITNESS WHEREOF we have affixed our signatures and seal on this the 10th day of January 2017.

Witness:

Title: _____

Witness:

Title: _____

Attachment: Proclamation-Fair Housing Month (3694 : Fair Housing Month)



The City of Liberty

City Council
1829 Sam Houston
Liberty, TX 77575

Meeting: 01/10/17 06:00 PM

Department: Administration
Category: Signs

7.A.3

ORDINANCE 2017-1

DOC ID: 3687 A

AN ORDINANCE AMENDING THE CODE OF ORDINANCES, ARTICLE 3.09, REGARDING THE REGULATION OF TEMPORARY SIGNS, ABANDONED SIGNS, ELECTRONIC SIGNS, AND SIGNS IN THE DOWNTOWN DISTRICT; PROVIDING FOR AN EFFECTIVE DATE; AND DISPENSING WITH THE REQUIREMENT OF SECTION 3.10 OF THE HOME RULE CHARTER THAT THIS ORDINANCE BE READ ON TWO SEPARATE DAYS.

WHEREAS, by adoption of previous ordinances, The City Council of the City of Liberty, Texas detailed various regulations for signs in the City; and

WHEREAS, the City Council of the City of Liberty, Texas, finds it to be in the public interest to amend the ordinance in order to make it comply with new federal laws.

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

Section 1: Section 3.09 of the Code of Ordinances of the City of Liberty is amended to read as follows:

Sec. 3.09.001 Definitions

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Advertising vehicle. Any vehicle or trailer that has advertisement as its primary purpose and is parked or located for the primary purpose of displaying the sign and is not parked on a site for a continuous period exceeding seventy-two (72) hours.

Alley. A narrow right-of-way or easement not in excess of thirty (30) feet in width dedicated adjacent to the rear or side of a lot and providing limited access to the lots abutting said right-of-way or easement.

Alley sign. A sign used to identify the alley entrance to a building or business.

Awning. Any rigid or non-rigid material that extends from the exterior wall of a building and is supported by or attached to a frame.

Awning sign. Any sign painted or applied to the face, valance or side panel of an awning.

Backlit sign. A sign that uses bulbs within the sign for illumination.

Banner. Any sign printed or displayed upon cloth or other flexible material with or without frames, and limited to temporary use.

Billboard. Shall have the same meaning as "off-premises sign."

Building official. The official of the city or his/her designee charged with the inspection of the structural integrity of signs, any electrical inspection and permitting.

Building permit. A permit issued by the building official for construction, renovation or alteration of property.

Building sign. Any sign attached to any part of a building, as contrasted to a ground sign.

Building wall. An exterior loadbearing or non-loadbearing vertical structure that encompasses the area between the final grade elevation and eaves of the building, and used to enclose the space within the building. A porch, balcony or stoop is part of the building structure and may be considered as a building wall.

Changeable copy sign. A sign on which copy is changed automatically on a lamp bank or through mechanical means (e.g., electrical or electronic time and temperature units), or a sign on which copy is changed manually in the field (e.g., reader boards with changeable letters), but shall not include portable signs.

Changeable electronic variable message sign. A sign which permits light to be turned on or off intermittently, or which is operated in a way whereby light is turned on or off intermittently, including any illuminated sign on which such illumination is not kept stationary or constant in intensity and color at all times when such sign is in use, including an LED (light emitting diode) or digital sign, and which varies in intensity or color. A changeable electronic variable message sign shall not include a sign located within the right-of-way that functions as a traffic-control device and that is described and identified in the Manual on Uniform Traffic Control Devices approved by the Federal Highway Administration as the national standard.

Clear sight triangle or horizontal sight distance. A triangle sight area at all intersections which shall include that portion of public right-of-way and any corner lot within the adjacent curb lines or pavement edges of intersecting streets, roads or alleys and a diagonal line intersecting such curb lines or pavement edges at points 35 feet back from their actual or projected point of intersection. Such triangle or distance must remain unobstructed in order to ensure that drivers can see traffic and pedestrians around the corner of the intersection, entrance or driveway.

Code official. The official of the city or his/her designee charged with the enforcement of the provisions of this article.

Day. Those hours between 7:00 a.m. and 10:00 p.m.

Development. A group of houses or other buildings, residential or nonresidential, that are built as a single construction project.

Dilapidated sign. A sign that:

- (1) Is not properly secured or is otherwise structurally unsound;
- (2) Has defective parts; or
- (3) Is in need of painting or maintenance.

Downtown district. That area designated in section 3.09.125 of this article.

Downtown district advisory board. The planning and zoning commission.

Electronic message board sign. Any sign flashing one or more messages, symbols or videos in succession.

Electronic message center. A sign, or portion of a sign, that displays an electronic image or video, which may or may not include text, including any sign or portion of a sign that uses changing lights or similar form of electronic display such as LED to form a sign message or messages with text or images wherein the sequence of messages and the rate of change is electronically programmed and can be modified by electronic processes. This definition includes, without limitation, television screens, plasma screens, digital screens, flat screens, LED displays, video boards, and holographic displays.

Extraterritorial jurisdiction or ETJ. That area extending beyond the boundaries of the city as defined by V.T.C.A., Local Government Code ch. 42, and as described in V.T.C.A., Local Government Code section 216.902.

Flag. Any fabric or bunting containing distinctive colors, patterns, or symbols, used as a symbol of government, political subdivision, corporation, lodge, fraternity or sorority, political party, nonprofit organization, charity, club, association or other entity.

Flashing sign. Any sign in which intensity of illumination is not consistent, thereby exhibiting sudden or marked changes in lighting effect.

Governmental sign. A sign required, authorized or installed by any governmental entity, which is exempt from the permitting process.

Hanging sign. Any sign suspended from an awning, canopy or building facade.

Height (of a sign). The vertical distance measured from the highest point of the sign, excluding decorative embellishments, to the grade of the adjacent street or the surface grade beneath the sign, whichever is less (compare "clearance").

Holiday decorations. Displays erected on a seasonal basis in observance of religious, national or state holidays, which are not intended to be permanent and contain no advertising material.

Holiday season. A reasonable and designated time period for the display of holiday decorations. The established time periods are November 15 through January 15, and for all other nationally recognized holidays for a period not to exceed seven days.

Home occupation. Any occupation that is carried out within the home, primary or secondary structure or within any structure on the lot which is an accessory to the home.

Identification sign. A sign bearing the address of the premises or name of the occupant, but containing no logo or commercial message.

Illuminated sign. A sign that is illuminated by electrical or other artificial devices.

Incidental sign. A sign, generally informational, that has a purpose secondary to the use of the site on which it is located, such as "no parking," "entrance," "loading only," "telephone," and similar information and directives.

Logo. The graphic or pictorial presentation of a message, including, but not limited to, the use of shapes, designs, decorations, emblems, trademarks, symbols or illustrations, or the superimposition of letters or numbers or any other use of graphics or images other than the sequential use of letters and numbers.

Lot. A parcel of land, the boundaries of which have been established by some legal instrument such as a recorded deed or plat, and which is recognized as a separate legal entity for purposes of transferring title. This term shall include any number of contiguous lots, or portions thereof, upon which a single principal building and its accessory buildings are located or intended to be located.

Monument sign. A ground sign designed and constructed to enclose any and all supporting poles, braces, columns, and/or uprights on all sides of the sign, and to substantially appear as a solid mass or base, such as a cylinder, block, rectangle or square, from undisturbed natural ground level to the highest portion of the sign.

Multi-tenant business development. A development under the same ownership consisting of two (2) or more business establishments separated by a tenant separation wall, using common driveways and on-site parking facilities, including but not limited to shopping centers, office complexes, office buildings and business parks.

Multi-tenant sign. A freestanding sign used to advertise businesses that occupy a shopping center or complex of two or more tenants.

Night. Those hours between 10:00 p.m. and 7:00 a.m.

Nit. Candela per meter square used as a measurement of brightness.

Nonconforming sign. Any sign that if erected within the city limits met the requirements of the city at the time it was erected, but does not conform to the requirements of this article; and that if erected within the extraterritorial jurisdiction of the city met the requirements of any governing authority with jurisdiction to regulate said sign at the time it was erected, but which does not conform to the requirements of this article.

Off-premises sign. A sign which is located on property and transmits a message pertaining to a product, use, occupancy or function which is not located on the same property as the sign. The terms “off-premises sign” and “billboard” shall have the same meaning herein.

On-premises sign. A sign the context of which relates to a use, occupancy, function or product manufactured on the same property on which the sign is located.

Person. An individual, or any association, company, corporation, firm, organization or partnership, singular or plural, of any kind.

Pole mounted ground sign. A sign mounted on one or more visible freestanding poles, columns, uprights, or braces permanently attached to the ground, which is not attached to the building.

Portable sign. Any sign not permanently attached to the ground or other permanent structure or a sign designed to be transported, including but not limited to:

- (1) Signs designed to be transported by wheels;

- (2) Signs made as A-frames or T-frames;
- (3) Balloons used as signs; and
- (4) Umbrellas used for commercial messages.

Portable Signs shall be allowed for no more than thirty (30) days. The total usage for a portable sign shall not exceed four (4) per calendar year.

Primarily commercial area. An area of property along one side of a public street between two (2) adjacent intersecting public streets in which fifty-one percent or more of the total frontage is used for commercial purposes.

Primarily residential area. An area of property along one side of a public street between two (2) adjacent intersecting public streets in which fifty-one percent or more of the total frontage is used for residential purposes.

Projecting sign. A sign, other than a flat wall sign, which is attached to and projects from a building wall or other structure not specifically designed to support the sign.

Residential purposes. Property devoted to use as a single-family, for one and two single-family dwelling. Residential purposes include but are not limited to property used for houses, duplexes, condominiums, townhouses or townhomes, and garden or patio homes. Property used for apartments, hotels, motels and boardinghouses shall be considered nonresidential. Property devoted to both residential and nonresidential use shall be considered as used for residential purposes.

Roof sign. A sign that is erected over or on the roof of a building.

Setback lines. A line parallel to and measured from a property line which establishes an area in which no building or structure, or portion thereof, shall encroach or otherwise be established or constructed. Setback line requirements refer to both sides and backs of lots

Sidewalk sign. An A-frame or T-frame sign, placed immediately exterior to the building wall and designed to be removed after business hours.

Sign. Any device, fixture, placard or structure that uses any color, form, graphic, illumination, symbol, or writing to advertise, announce the purpose of, or identify the purpose of a person or entity, or to communicate information of any kind to the public.

Sign permit application. A plan establishing parameters for the size, location and design of signs on a property being constructed or managed or managed as a single development.

Site. A lot, tract or parcel of land considered as one land unit for purpose of this article. For a single-family residence, the site shall be the subdivided lot on which it is located. For multifamily projects, the site shall be all land occupied by the buildings in the project and adjoining such property and under common ownership with it. For a vacant land, the site shall be all of the adjoining vacant land under single ownership. For single-occupancy, nonresidential properties, the site shall be the subdivided lot that is occupied. For multiple-occupancy properties, the site shall be all land included under the original "site plan" or "subdivision plan" approval under the code, or all land included under the original sign permit application approval

under this article or its predecessor, whichever land area is larger. The intent of this definition is to treat as one site an entire project as planned and developed together.

Stake sign. A temporary sign not permanently affixed or mounted into the natural ground. Such sign shall be considered but not limited to a sign face affixed to supporting structure, typically a wooden stake or metal rod, and such that can be placed in and/or removed from the ground by a single individual with reasonable force without any aid from any tools or devices.

Temporary sign. A banner, pennant, poster or advertising display constructed of paper, cloth, canvas, plastic sheet, cardboard, wallboard, plywood or other like materials and that appears to be intended or is determined by the building official to be displayed for a limited period of time.

Traffic sign. A sign indicating federal, state or municipal regulations for automobile, truck, bicycle or pedestrian movement.

Wall, exterior. A vertical structural component of a building which encloses habitable or usable space; a parapet extending not more than 12 inches above a flat roof shall be considered part of the exterior wall for purposes of determining signage.

Wall sign. Any sign painted on or attached to and extending not more than six inches from an exterior wall in a parallel manner.

Window sign. A sign affixed to the interior or exterior of a window or placed immediately behind a windowpane.

Sec. 3.09.002 Notice of violation; penalty

When any sign is erected, constructed, built, reconstructed, altered or maintained in violation of these regulations, the property owner, his/her agent, lessee, management and/or tenant shall be given written notice to remove or alter the structure so as to comply with the standards set forth in these regulations as follows:

(1) The property owner, his/her agent, lessee, management and/or tenant shall be served with a written notice that states the violation and requires compliance with this article not more than ten (10) days from the date the notice is served. The notice may be served in person or by depositing the same as certified in the United States Postal Service addressed to the property owner at the owner's address as shown on the most current tax roll of the city, or the tenant as shown on the utility billing records of the city. If the municipality mails the notice to the property owner and the United States Postal Service returns the notice as "refused" or "unclaimed," the validity of the notice is not affected, and the notice is considered as delivered.

(2) Furthermore, after all provisions of subsection (1) of this section have been followed, the property owner, his/her agent, lessee, management and/or tenant shall be subject to a fine not to exceed five hundred dollars (\$500.00) for each provision violated, and each day that there is a failure to comply with the terms of any provision of this article is declared a separate offense. For violations of the provisions of this article that govern fire safety, zoning, or public health and sanitation, including dumping of refuse, the fine may not exceed two thousand dollars (\$2000.00) per day, per violation.

Sec. 3.09.003 Prohibited signs and devices

(a) All signs hereunder are prohibited within the city limits and within its extraterritorial jurisdiction. Such signs include, but are not limited to:

- (1) Abandoned signs, or dilapidated signs;
 - (2) Any sign that copies or imitates an official sign or purports to have official status;
 - (3) Any sign that obstructs or substantially interferes with any window, door, fire escape, stairway, ladder, or opening intended to provide light, air, ingress, or egress to any building;
 - (4) Signs imitating standard public traffic, regulatory or emergency signs or signals;
 - (5) Signs using the words, “stop,” “danger” or any other word, symbol or character in a manner which may mislead, confuse or distract the driver of a motor vehicle;
 - (6) Off-premises signs and billboards constructed after the date of enactment of the ordinance from which this article is derived, including, but not limited to, a new off-premises changeable electronic variable message sign or the conversion of an existing non-changeable electronic variable message sign to a changeable electronic variable message sign, within the city limits or within the extraterritorial jurisdiction of the city.
 - (7) Any sign placed in or projecting in or over the public right-of-way or on a utility pole in the public right-of-way as described in subsection (c) of this section.
 - (8) Advertising vehicles.
 - (9) Signs which use supports such as trees, rocks, bridges, windmill towers or dilapidated buildings.
- (b) Any such prohibited signs shall be removed at the discretion of the code official and/or his/her designee. If not removed by owners or occupants of the property within ten (10) days of notice, the code official and/or his designee shall cause the signs to be otherwise removed and the cost of removal shall become a lien against the property until satisfied.
- (c) Only the following signs shall be allowed on a city street, easement or right-of-way within the city limits or on a public street, easement or public right-of-way within the city’s extraterritorial jurisdiction:
- (1) Public signs erected by or on behalf of a governmental body to identify public property, convey public information and direct or regulate pedestrian or vehicular traffic;
 - (2) Bus stop signs erected by a public transit company;
 - (3) Informational signs of a public utility regarding its poles, lines, pipes or other facilities;
 - (4) Signs appurtenant to a use of public property permitted under a franchise or lease agreement with the city;
 - (5) Signs posted in association with municipal, county, state or federal authorities for crime prevention or public safety and health;
 - (6) Legal notices erected by or on behalf of a governmental body; and

(7) Emergency warning signs erected by a government agency, a public utility company, or a contractor doing authorized or permitted work within the public right-of-way.

Any other sign placed in or projecting in or over the public right-of-way or on a utility pole in the public right-of-way in violation of this article shall be deemed a public nuisance and may be seized by the code official or his/her designee, and the person owning or placing the sign may be charged both with a violation of this article and with the cost of removing and disposing of the sign. If the person or entity placing the sign cannot otherwise be determined for purposes of enforcement, it will be presumed that the name of the person or entity appearing on the sign, or the owner or occupant of the premises depicted on the sign, directed the placement and is subject to enforcement as described hereunder.

Sec. 3.09.004 Signs exempt from regulation

The following signs shall be exempt from regulation under this article:

- (1) Any official or public notice or warning sign required by a valid and applicable federal, state or local law, regulation or ordinance, by a public utility company or by order of a court of competent jurisdiction.
- (2) Traffic signs on private property, such as stop, yield or similar signs, which meet department of transportation standards and contain no commercial message.
- (3) Holiday decorations, as long as said decorations are displayed within a holiday season.
- (4) Any governmental signs.
- (5) Incidental signs placed for informational purposes and limited to one square foot in area.
- (6) The changing of advertising copy or message on a painted sign, including theater marquee signs and similar signs specifically designed for the use of replaceable copy, change of face panel, or where the sign frame was designed for replaceable plates, shall not require a permit. For off-premises advertising, the sign structure shall be removed if the sign structure becomes so dilapidated as to violate section 3.09.082 of this article.

Sec. 3.09.005 Temporary signs

(1) Temporary signs allowed at any time:

- a. A property owner may place one sign with a sign face no larger than two (2) square feet on the property at any time.
 - b. A property owner may place a sign no larger than 8.5 inches by 11 inches in one window on the property at any time.
- (2) A sign may be located on the owner's property for a period of thirty (30) days prior to an election involving candidates for a federal, state or local office that represents the district in which the property is located or involves an issue on the ballot of an election within the district where the property is located per issue and per candidate.

(3) One temporary sign may be located on a property when:

- a. The owner consents and that property is being offered for sale or lease through a licensed real estate agent;
- b. If not offered for sale through a real estate agent, when the sign is owned by the property owner and that property is offered for sale or lease by the owner; and
- c. For a period of forty-five (45) days following the date on which a contract of sale has been executed by a person purchasing the property.

(4) Temporary signs may be located on the owner's property on a day when the property owner is opening the property to the public. Said "open to the public event" shall comply with Article 4.12 of the City of Liberty Code of Ordinances.

(5) Banners and Portable Signs. On-premises banner signs and portable signs may be used only during business or activity opening or special promotions, and shall be subject to the following:

- a. Whether singly or in combination, no more than three (3) banners or portable signs shall be permitted on a single lot of land; however, the area of such displays shall not be counted against the maximum combined sign area allowed for permitted permanent signs.
- b. Banners and portable signs may be placed no longer than thirty (30) days.

Sec. 3.09.006 Nonconforming signs

A sign lawfully erected prior to adoption of the ordinance from which this article is derived but which does not conform in one or more respects with the requirements of this article may remain in use, subject to the requirements of this section and other applicable requirements of city ordinances, under the following limitations:

(1) Abandonment. Any sign or sign structure that has been abandoned shall be removed.

(2) Change of copy. No change of copy shall be permitted, except on a changeable copy sign, without bringing the sign into full conformance with this article and with the applicable sign permit application.

(3) Other nonconforming signs on premises. For single-occupant properties, the issuance of a sign permit for a new or replacement sign shall be subject to the condition that all nonconforming signs on that property shall be removed or brought into conformance as part of the work of installing the new or replacement sign. For multi-occupant properties, the issuance of a sign permit for a new or replacement sign for any occupant shall be subject to the condition

that all nonconforming signs for that occupant shall be removed or brought into conformance as part of the work of installing the new or replacement sign.

(4) Off-premises signs. All off-premises signs as defined herein shall not be allowed for reconstruction and/or remodel.

Sec. 3.09.007 Unsafe signs

If any sign or sign structure, in the opinion of the code official or his/her designee, becomes insecure or in danger of falling or otherwise unsafe, the code official or his/her designee shall give written notice on the condition of the sign to the person owning, leasing, or responsible for the sign. The person so notified shall correct the unsafe condition of the sign in a manner to be approved by the code official or his/her designee in conformity with this article and any other applicable code of the city. When a sign or sign structure poses an immediate danger or threat to public safety, the code official or his/her designee shall make a reasonable effort to contact the owner or lessee to remove or repair within twenty-four (24) hours. The code official or his/her designee shall take the necessary steps to abate the nuisance at the property owner's, tenant's and/or agent's expense either by using the following provisions:

(A) Whenever the property owner, agent, lessee or tenant fails to abate the unsafe or dangerous [sign], the code official or his/her designee shall abate the nuisance at the city's expense;

(B) The charge shall be the actual cost of abatement, plus applicable sales taxes, and an administrative fee of \$75.00 shall be assessed for each charge; and

(C) The owner of the property, agent, lessee, or tenant shall be billed for all expenses incurred and will submit payment within thirty (30) days after billing. If actual charges and administrative fees are not paid within specified time, the city shall file a lien against the property. Said lien shall be filed in the deed records of the county. The charges shown on the lien shall bear interest at the rate of ten percent (10%) per annum from the due date until paid. The lien shall be inferior only to tax liens and liens for street improvements.

Sec. 3.09.008 Enforcement in extraterritorial jurisdiction

Pursuant to V.T.C.A., Local Government Code section 216.902, the provisions of this article shall be enforced in and extend to the city's extraterritorial jurisdiction.

Sec. 3.09.009 Sign setback line requirements for highways, downtown district, and city streets

HWY 146 Bypass	HWY 90	HWY 146	Downtown District	City Streets
5 ft. from property line	10 ft. from property line	5 ft. from property line	Property line	5 ft. from property line

Secs. 3.09.010-3.09.040 Reserved

Division 2. Permit

Sec. 3.09.041 Required; liability insurance

(a) If a sign requiring a permit under this article is to be placed, constructed, erected or modified on a site, a contractor licensed by the state to erect signs, or, where otherwise permitted by law, the owner of the lot, or, with the owner's written permission, the owner's designee, shall secure a sign permit prior to the construction, placement, erection or modification of such a sign in accordance with the requirements of this article. If the applicant is someone other than the legal owner of the property, said applicant shall be required to submit the property owner's written verification acknowledging permission for placement of the sign on the property.

(b) Commercial general liability insurance with a minimum aggregate of \$600,000.00 and a per-occurrence minimum of \$300,000.00 [is required], and such insurance shall be written by an insurance carrier licensed to do business in this state and shall provide that coverage afforded under the policy will not be canceled, suspended, voided or reduced until at least thirty (30) days' prior written notice has been endeavored to be given to the city via certified mail, return receipt requested.

Sec. 3.09.042 Application

(a) An application for a sign permit may be filed only by a contractor licensed by the state to erect signs, or, where otherwise permitted by law, the owner of the lot, or, with the owner's written permission, the owner's designee, and if not the owner, the applicant must include the owner's written verification acknowledging permission for placement of the sign on the property.

(b) An application for a sign permit shall be filed with the building official on a form prescribed by the building official, along with the approved fees incident to the application and permit.

(c) Each application for a sign permit shall contain the information required on the application form, and such other information regarding the proposed sign as the building official may deem necessary in order to determine whether the proposed sign complies with the applicable requirements of this article and other applicable ordinances of the city. The application shall contain the following:

- (1) One set of plans;
- (2) A description of the proposed sign;
- (3) All existing buildings on the property;
- (4) The location by street and number of the proposed sign structure;
- (5) The distance from the property line to the sign;
- (6) Size and height of the sign;
- (7) Whether the sign is electrical;
- (8) The name, address and telephone number of the property owner;

(9) The name, address, telephone number and license number of the registered sign contractor or erector.

(d) The building official shall determine whether the application is complete. If the application is determined to be incomplete, the building official shall notify the applicant of any deficiencies and shall take no further steps to process the application until the deficiencies are remedied.

(e) Application fees for sign permits shall be as established from time to time by the city council.

(f) Notwithstanding section 3.09.002(2), the application fee or a sign permit shall be doubled when the installation or alteration of a sign is commenced or completed before the necessary permit is obtained.

Sec. 3.09.043 Approval procedure; appeals; variances

Signs shall be erected, installed or created only in accordance with a duly issued and valid sign permit from the building official. Such permit shall be issued only in accordance with the following requirements and procedures:

(1) An application for the construction, creation or installation of a new sign or for modification of an existing sign shall be accompanied by a detailed drawing showing the dimensions, design, structure and location of each particular sign, and such other information as is required to comply with this article. A separate application and permit is required for each sign.

(2) The building official shall cause an inspection of the site for which each permit for a new sign or modification of an existing sign is issued within six (6) months following issuance of a permit, or at such earlier date that the owner may request. The sign permit shall be valid for 180 days from date of issuance.

(3) Within forty-eight (48) hours, beginning at 9:00 a.m. on the next working day, of receiving an application for a sign permit, the building official shall review the application for completeness. Within ten (10) business days of finding an application to be incomplete, the building official shall provide written notice to the applicant detailing the specific deficiencies in the application, with appropriate references to this article.

(4) Within twenty (20) business days of receipt of a complete application for a sign permit, the building official shall either:

(A) Issue the sign permit, if the sign conforms in every respect to the requirements of this article and the sign permit application; or

(B) Deny the sign permit, if the sign fails to conform to either the requirements of this article or the sign permit application. If the sign permit is denied, the building official shall then give written notice to the applicant detailing the specific deficiencies, with appropriate references to this article.

(5) Any person may appeal a decision of the building official concerning enforcement of the provisions of this article by filing such appeal with the city manager within ten (10) business

days after the decision by the building official. The appeal will then be scheduled to be heard by the planning and zoning commission at a regular or specially called meeting, with a public hearing scheduled thereon, and, following such public hearing, the planning and zoning commission at such meeting will then take action on the appeal by either deferring, rejecting or approving the appeal as submitted, thence referring the decision to the city council for final approval or disapproval. If the decision of the building official is to be appealed respecting a sign in existence, no action shall be taken on the sign while the decision is being appealed to the planning and zoning commission, unless the sign, by virtue of its physical condition, presents an immediate and significant threat to public safety.

(6) As part of a variance request where the literal application of this article would create an undue hardship for the sign user and the following criteria are met:

- (A) A literal application of this article would not allow the property to be used.
- (B) The granting of the requested variance would not be materially detrimental to the property owners in the vicinity.
- (C) Any hardship is not in any way the result of the applicant's own action or the result of a self-created or personal hardship or for financial reason alone. Simply dividing a building into multiple occupancies shall not be sufficient grounds for granting a variance. Hardship caused the sign user under a literal interpretation of this article is due to conditions unique to that property and does not apply generally to the city.
- (D) Applicants for a variance may only be accepted when the site complies with this article. A variance request shall not be accepted after a sign is installed in violation of this article.
- (E) The granting of the variance would not be contrary to the general objectives of this article.

Sec. 3.09.044 Lapse

A sign permit shall lapse if the use of a building or premises by a specified business or other establishment is discontinued by the owner or occupant for a period of ninety (90) days or more. Any sign for which a permit lapses shall be considered an abandoned sign and shall be removed as provided by this article.

Sec. 3.09.045 Removal of abandoned or nonconforming signs

Abandoned signs and signs which do not conform to the requirements of this article shall be removed. Any sign permit application for a premises which is not in conflict with the requirements of this article or which has not otherwise lapsed shall remain in effect for the premises.

Sec. 3.09.046 Substitution of message on sign

On a commercial sign that is otherwise allowed under this article, any message may be substituted, in whole or in part, without permitting or approval being required therefor, if no alteration is made of the size or structure of the sign.

Sec. 3.09.047 Approval of signs in downtown district

A sign requiring a permit under this article which is to be placed, constructed, erected or modified on a site within the downtown district shall require advance approval of the downtown district advisory board, as described in division 4 of this article.

Secs. 3.09.048-3.09.080 Reserved

Division 3. Construction, Design and Maintenance

Sec. 3.09.081 Construction and design standards

Notwithstanding such additional restrictions as may be applicable to signs placed within the downtown district, as described in division 4 of this article, all signs shall be designed, constructed and maintained in accordance with the following standards:

- (1) Compliance with building code. All signs shall comply with the provisions of the building code as then adopted by the city.
- (2) Electric signs. Electric signs that have internal wiring or lighting equipment, and external lighting equipment that directs light on signs, shall not be erected or installed until an electrical permit has been obtained from the building official. All such signs and equipment shall bear the seal of approval of an electrical testing laboratory that is nationally recognized as having the facilities for testing. All such signs and equipment shall comply with the National Electrical Code as then adopted by the city. All wiring to electric signs or to freestanding equipment that lights a sign shall be installed underground.
- (3) Construction generally; pole mounted ground signs. Except for temporary signs and sidewalk signs conforming in all respects with the requirements of this article, all signs shall be constructed of permanent materials and shall be attached to the ground, a building or another structure by direct attachment to a wall, frame or structure. All pole mounted ground signs (freestanding signs) shall be enclosed by material designed to prevent rust. The sign should appear as a solid mass or base, such as a cylinder, block, rectangle or square. The pole should be covered from undisturbed natural ground level to the highest portion of the sign.
- (4) Wind resistance. All sign foundations shall be designed for 110-mile-per-hour winds, or most current adopted code, the plan for which must bear a professional engineer's calculations and seal. Exemption to this is that the sign is a pole mounted ground sign and is a maximum height of six (6) feet with the face being no larger than four (4) feet by eight (8) feet.
- (5) Electronic message centers. Electronic message centers shall conform to the following regulations:
 - (A) The message or image on an electronic message center must remain static (stationary) for a minimum of eight (8) seconds.

(B) Notwithstanding section 3.09.083, the message area of an electronic message board sign may be illuminated by incandescent lamps, LED (light emitting diodes), magnetic discs, or other sources of light. Whatever the light source, undue brightness is prohibited. For enforcing this provision, prima facie proof of undue brightness is the illumination of a portion of the sign in excess of the intensity levels specified below:

(i) Day: 5,000 nits.

(ii) Night: 1,000 nits

To ensure compliance with this provision, the sign must have an automatic phased proportional dimmer, which must be used to reduce nighttime brightness levels (compared to daytime brightness levels). Further, prior to the issuance of a permit for an electronic message center sign, the applicant shall provide written certification from the sign manufacturer that the light intensity has been factory preset not to exceed the levels specified above, and the intensity level is protected from end-user manipulation.

(C) Any electronic message centers installed prior to the date of the adoption of this article must submit written certification from the sign manufacturer or other persons deemed appropriate by the city that the sign does not cause undue brightness and meets the intensity levels specified above. The owner of an electronic message center shall have sixty (60) days from the adoption of this article to submit certification to the city.

(D) A sign owner may modify existing legal conforming structures to an electronic message center only after filing application for a permit and receiving approval by the city.

(E) Electronic message centers shall comply with applicable federal and state laws and regulations.

(F) Failure to adhere to any of these provisions may result in the revocation of the electronic message center portion of the permit.

(G) Only one (1) electronic message center is allowed per premises.

(H) No electronic message center attached as a wall sign shall exceed fifty percent (50%) of the area of the maximum allowable size for a wall sign at that location.

(I) The addition of any electronic message center to any nonconforming freestanding sign is prohibited.

(J) By definition, changeable copy signs which display time, temperature or price shall be allowed as on-premises signs.

(6) Area of freestanding signs. The area of a freestanding sign shall be based on total road frontage of the property where the sign is to be permitted. The area shall be as follows:

Frontage (feet)	Maximum Area (square feet)
0-50	25
51-100	50

101-150	75
151-200	100
201-250	125
251-300	150
301-350	175
351-400	200
401-450	225
451-500	250
501-550	275
551-600	300

(7) Wall signs. Wall signs shall be regulated by the following:

(A) Maximum area: 15% of wall area.

(B) Maximum height: 3 feet above building roof.

(8) Multi-tenant signs. Multi-tenant signs shall be allowed and shall follow the requirements of subsection (6) of this section; furthermore, each sign incorporated in the total signage allowed shall be equally proportioned among the business establishments.

(9) Height of monument signs. The height of a monument style sign shall not exceed twelve (12) feet in height.

(10) Window signs. The coverage area of a window shall not exceed thirty percent (30%).

Sec. 3.09.082 Maintenance

Notwithstanding such additional restrictions as may be applicable to signs placed within the downtown district, as described in division 4 of this article, all signs shall be maintained in good structural condition, in compliance with all building and electrical codes, in conformance with this article, and subject to the following provisions:

(1) A sign shall have no more than twenty percent (20%) of its surface area covered with disfigured, cracked, ripped or peeling paint, poster paper or other material for a period of more than thirty (30) days.

(2) A sign shall not stand with bent or broken sign facing, with broken supports, with loose appendages or struts, or more than fifteen (15) degrees from vertical for a period of more than ten (10) days.

(3) A sign shall not have weeds, trees, vines or other vegetation growing upon it, or obscuring the view of the sign from the public right-of-way from which it is to be viewed, for a period of more than ten (10) days.

(4) An internally illuminated sign shall be allowed to stand with only partial illumination for a period of no more than thirty (30) days.

(5) Flags shall not be faded, tattered or torn.

- (6) Sign illumination shall be placed and shielded so as not to directly cast light rays into nearby residences or sleeping accommodations or into the eyes of motor vehicle drivers.
- (7) All signs and sign structures shall be kept in good repair and, unless of galvanized or non-corroding metal treated with appropriate wood preservative, shall be thoroughly painted as often as necessary, consistent with good maintenance. All signs, sign structures and surrounding area shall be maintained in a safe, clean, sanitary and non-offensive condition, and shall be kept free and clear of all obnoxious substances and rubbish. All braces, belts, clips, supporting frames, fastenings and systems shall be free from deterioration, termite infestation, rot or loosening. All signs shall be able to withstand safely at all times the wind pressure specified in this article and any other applicable ordinances of the city. If any sign is not so maintained, the code official or his/her designee shall give written notice to the owner or lessee thereof to so maintain the sign or to remove the sign.
- (8) Signs may not create a traffic hazard, and shall be constructed and maintained as follows:
- (A) Clear sight triangle. No sign shall be erected in the clear sight triangle. Signs shall be erected so as not to obstruct or impair motor vehicle driver vision at business ingress or egress points or at street intersections.
- (B) Other hazards. No sign shall be erected, and there shall be no lighting of signs or premises thereof, in such a manner or in such location as to obstruct the view of, or to be confused with, any authorized traffic signal, notice or control device. Signs using the word “stop,” “danger” or any other word, symbol or character in a manner which may mislead, confuse or distract the driver of a motor vehicle are strictly prohibited.
- (C) Notwithstanding other provisions of this article, any such sign or light source constituting a traffic hazard shall be removed at the direction of the building official and/or his/her designee. If not removed by the owner or occupant of the property within ten (10) days of notice, unless otherwise deemed an immediate hazard, the building official and/or his/her designee shall cause the sign to be otherwise removed, and the cost of removal shall become a lien against the property from which it was removed until payment for removal is satisfied.

Sec. 3.09.083 Lighting

- (a) Generally. Notwithstanding such additional restrictions as may be applicable to signs placed within the downtown district, as described in division 4 of this article, the following regulations shall apply to signs where lighting is included:
- (1) Sign illumination shall be placed and shielded so as not to directly cast light rays into nearby residences or sleeping accommodations or the eyes of motor vehicle drivers.
- (2) Electrical requirements pertaining to signs shall be as prescribed under the National Electrical Code as adopted.
- (3) No sign regulated by this article shall utilize an exposed incandescent lamp with an external reflector and without a sunscreen or comparable diffusion in excess of fifty (50) watts, or unless wattage does not exceed ten (10) watts.

(4) A higher wattage incandescent lamp may be used with no diffuser for lane open or closed designation.

(5) No sign shall use any revolving beacon light, flashing light or strobes.

(b) Uniformity. Lighting on signs shall be consistent throughout a project, and no sign or portion thereof shall be illuminated differently from any other sign, except as allowed otherwise in this article.

Secs. 3.09.084-3.09.120 Reserved

Division 4. Downtown District

Sec. 3.09.121 Prohibited signs and devices

In addition to those signs prohibited by section 3.09.003, the following signs are prohibited within the downtown district:

- (1) Backlit signs;
- (2) Flashing signs;
- (3) Portable signs designed to be transported by wheels; and
- (4) Roof signs.

Sec. 3.09.122 Signs not requiring permit

(a) Sidewalk signs. Sidewalk signs in the downtown district shall not require a permit or advance approval but shall conform to the following requirements:

- (1) The maximum height of the sign shall be four (4) feet;
- (2) The maximum width of the sign shall be three (3) feet;
- (3) In addition to conforming to the requirements of section 3.09.003(a), a minimum clear sidewalk width of four (4) feet shall be maintained;
- (4) The sign must be properly anchored or weighted against wind;
- (5) The sign may not contain changeable letters on tracks; and
- (6) The sign must be removed after business hours.

(b) Banners. A banner may not exceed twenty-four (24) square feet in area.

Sec. 3.09.123 Construction, design and placement

All signs placed within the downtown district shall be designed, constructed and maintained in accordance with the standards described in division 3 of this article, and in addition thereto shall adhere to the following standards:

- (1) An alley sign shall not exceed six (6) square feet in area.
- (2) An awning sign shall not exceed sixteen (16) square feet in area.

(3) A hanging sign shall not exceed eight (8) square feet per face, and shall provide a minimum of eight (8) feet clearance between the sidewalk surface and the bottom of the sign. The sign must hang perpendicular to the facade of the building.

(4) A projecting sign shall not exceed twenty-five (25) square feet per face, and the top of the sign shall be located below the roofline of the building to which it is attached, the base of the sign shall be no less than eight (8) feet above the ground, and the sign shall not project more than six (6) feet from the exterior wall of the building.

(5) A wall sign shall be limited in size as follows:

(A) For a sign placed on the same side as the building's primary entrance, and based upon the linear measurement of the wall containing said primary entrance, the sign shall be no more than fifteen percent (15%) of the total wall area the sign is to be placed on.

(B) Any sign placed on a building's secondary side or the side facing any side street not containing the primary entrance of the building shall be no larger than the size of a sign on the wall containing the primary entrance of the building.

(6) The coverage area of a window sign shall not exceed thirty percent (30%) of the area of the window in which it is placed.

(7) Each premises may have no more than two (2) signs and one (1) sidewalk sign for each street entrance, with the exception of the following:

(A) A building located on the corner of two (2) named streets may also have one (1) sign and one (1) sidewalk sign oriented to its secondary or side street frontage; and

(B) A building containing a public rear entrance may also have one (1) sign and one (1) sidewalk sign oriented to the rear of the building.

(8) No sign in the downtown district shall cover or otherwise obstruct any distinctive architectural feature of the building on which it is placed or painted.

(9) No more than thirty percent (30%) of any exterior wall of a building may be covered by signage.

(10) Projecting signs and awnings shall be anchored to withstand 110-mile-per-hour winds, and shall be built pursuant to a plan bearing a professional engineer's calculations and seal.

Sec. 3.09.124 Approval procedure

If a sign requiring a permit under this article is to be placed, constructed, erected or modified on a site within the downtown district, in addition to the requirements for permit described in division 2 of this article, prior approval of the downtown district advisory board must be obtained, with proof thereof submitted to the building official.

(1) As applicant, the building owner, or, with the owner's written permission, the owner's designee, shall meet with the building official to determine the requirements for a sign to be placed, constructed, erected or modified on a site within the downtown district.

(2) The applicant shall then complete any written application for a sign as required by the downtown district advisory board, and submit the application, with all attachments required, to the building official for review as required by the downtown district advisory board.

(3) The applicant shall attend such meetings as may be scheduled by the downtown district advisory board for the purpose of presenting the application for sign approval.

(4) Upon approval by the downtown district advisory board, the applicant shall secure such permits as may be required for construction, placement or modification from the building official.

(5) Within sixty (60) days of grant of permit from the building official, construction shall commence as described in the approved application. Work must be completed within 180 days.

Sec. 3.09.125 District boundaries

The area of downtown beginning at the intersection of Dr. Martin Luther King, Jr. Blvd. and Milam heading north on Milam to the intersection of Milam and Grand, thence continue heading east on Grand to the intersection of Grand and San Jacinto, thence continue heading south on San Jacinto to the intersection of San Jacinto and Dr. Martin Luther King, Jr. Blvd., thence heading west on Dr. Martin Luther King, Jr. Blvd. to the intersection of Dr. Martin Luther King, Jr. Blvd. and Milam.

Section 2. That the requirement contained in Section 3.10 of the Home Rule Charter of the City of Liberty, Texas that all ordinances be read on two days is hereby dispensed with.

Section 3. This Ordinance shall take effect from and after its final passage and publication as required by law.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Liberty, this _____ day of January, 2017.

Carl Pickett, Mayor

ATTEST:

Dianne Tidwell, City Secretary

AN ORDINANCE AMENDING THE CODE OF ORDINANCES, ARTICLE 3.09, REGARDING ~~THE~~ REGULATION OF TEMPORARY SIGNS, ABANDONED SIGNS, ~~AND~~ ELECTRONIC SIGNS, AND SIGNS IN THE DOWNTOWN DISTRICT; PROVIDING FOR AN EFFECTIVE DATE; AND DISPENSING WITH THE REQUIREMENT OF SECTION 3.10 OF THE HOME RULE CHARTER THAT THIS ORDINANCE BE READ ON TWO SEPARATE DAYS.

WHEREAS, by adoption of previous ordinances, The City Council of the City of Liberty, Texas detailed various regulations for signs in the City;~~the location restrictions to be placed on manufactured homes, and~~

WHEREAS, the City Council of the City of Liberty, Texas, finds it to be in the public interest to amend the ordinance in order to make it comply with new federal laws~~and change the location restrictions as follows.~~

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

Section 1: Section 3.09 of the Code of Ordinances of the City of Liberty is amended to read as follows:

Sec. 3.09.001 Definitions

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

~~Abandoned sign. A sign which no longer identifies or advertises a bona fide business, lessor, service, owner, product or activity for a period of one (1) year or more, or a sign the content of which pertains to a time, event or purpose which no longer applies, or for which no legal owner can be found.~~

Advertising vehicle. Any vehicle or trailer that has advertisement as its primary purpose ~~the advertisement of a business, activity, product or service~~ and is parked or located for the primary purpose of displaying the sign and is not parked on a site for a continuous period exceeding seventy-two (72) hours.

Alley. A narrow right-of-way or easement not in excess of thirty (30) feet in width dedicated adjacent to the rear or side of a lot and providing limited access to the lots abutting said right-of-way or easement.

Alley sign. A sign used to identify the alley entrance to a building or business.

Awning. Any rigid or non-rigid material that extends from the exterior wall of a building and is supported by or attached to a frame.

Awning sign. Any sign painted or applied to the face, valance or side panel of an awning.

Backlit sign. A sign that uses bulbs within the sign for illumination.

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Banner. Any sign printed or displayed upon cloth or other flexible material with or without frames, and limited to temporary use.

Billboard. Shall have the same meaning as “off-premises sign.”

Building official. The official of the city or his/her designee charged with the inspection of the structural integrity of signs, any electrical inspection and permitting.

Building permit. A permit issued by the building official for construction, renovation or alteration of property.

Building sign. Any sign attached to any part of a building, as contrasted to a ground sign.

Building wall. An exterior loadbearing or non-loadbearing vertical structure that encompasses the area between the final grade elevation and eaves of the building, and used to enclose the space within the building. A porch, balcony or stoop is part of the building structure and may be considered as a building wall.

Changeable copy sign. A sign on which copy is changed automatically on a lamp bank or through mechanical means (e.g., electrical or electronic time and temperature units), or a sign on which copy is changed manually in the field (e.g., reader boards with changeable letters), but shall not include portable signs.

Changeable electronic variable message sign. A sign which permits light to be turned on or off intermittently, or which is operated in a way whereby light is turned on or off intermittently, including any illuminated sign on which such illumination is not kept stationary or constant in intensity and color at all times when such sign is in use, including an LED (light emitting diode) or digital sign, and which varies in intensity or color. A changeable electronic variable message sign shall not include a sign located within the right-of-way that functions as a traffic-control device and that is described and identified in the Manual on Uniform Traffic Control Devices approved by the Federal Highway Administration as the national standard.

Clear sight triangle or horizontal sight distance. A triangle sight area at all intersections which shall include that portion of public right-of-way and any corner lot within the adjacent ~~curb lines~~ curb lines or pavement edges of intersecting streets, roads or alleys and a diagonal line intersecting such ~~curb lines~~ curb lines or pavement edges at points 35 feet back from their actual or projected point of intersection. Such triangle or distance must remain unobstructed in order to ensure that drivers can see traffic and pedestrians around the corner of the intersection, entrance or driveway.

Code official. The official of the city or his/her designee charged with the enforcement of the provisions of this article.

~~Commercial message. Any sign, wording, logo or other representation, except for the actual name of the business, that, directly or indirectly, names, advertises or calls attention to a business, product, service or other commercial activity.~~

Day. Those hours between 7:00 a.m. and 10:00 p.m.

Development. A group of houses or other buildings, residential or nonresidential, that are built as a single construction project.

Dilapidated sign. A sign that:

- (1) Is not properly secured or is otherwise structurally unsound;
- (2) Has defective parts; or
- (3) Is in need of painting or maintenance.

Downtown district. That area designated in section 3.09.125 of this article.

Downtown district advisory board. The planning and zoning commission.

Electronic message board sign. Any sign flashing one or more messages, symbols or videos in succession.

Electronic message center. A sign, or portion of a sign, that displays an electronic image or video, which may or may not include text, including any sign or portion of a sign that uses changing lights or similar form of electronic display such as LED to form a sign message or messages with text or images wherein the sequence of messages and the rate of change is electronically programmed and can be modified by electronic processes. This definition includes, without limitation, television screens, plasma screens, digital screens, flat screens, LED displays, video boards, and holographic displays.

Extraterritorial jurisdiction or ETJ. That area extending beyond the boundaries of the city as defined by V.T.C.A., Local Government Code ch. 42, and as described in V.T.C.A., Local Government Code section 216.902.

Flag. Any fabric or bunting containing distinctive colors, patterns, or symbols, used as a symbol of government, political subdivision, corporation, lodge, fraternity or sorority, political party, nonprofit organization, charity, club, association or other entity.

Flashing sign. Any sign in which intensity of illumination is not consistent, thereby exhibiting sudden or marked changes in lighting effect.

~~Freestanding sign. A sign supported upon the ground by poles or braces and not attached to any building.~~

~~Garage sale sign. A temporary residential use sign advertising a garage sale.~~

Governmental sign. A sign required, authorized or installed by any governmental entity, which is exempt from the permitting process.

~~Ground sign. A freestanding sign not attached to a building or other structure than its own support, supported by one or more poles, columns, uprights or braces in or upon the undisturbed~~

~~natural ground. Such freestanding signs shall include but are not limited to pole signs, billboards, master signs and monument signs.~~

Hanging sign. Any sign suspended from an awning, canopy or building facade.

Height (of a sign). The vertical distance measured from the highest point of the sign, excluding decorative embellishments, to the grade of the adjacent street or the surface grade beneath the sign, whichever is less (compare “clearance”).

Holiday decorations. Displays erected on a seasonal basis in observance of religious, national or state holidays, which are not intended to be permanent and contain no advertising material.

Holiday season. A reasonable and designated time period for the display of holiday decorations. The established time periods are November 15 through January 15, and for all other nationally recognized holidays for a period not to exceed seven days.

Home occupation. Any occupation that is carried out within the home, primary or secondary structure or within any structure on the lot which is an accessory to the home.

Identification sign. A sign bearing the address of the premises or name of the occupant, but containing no logo or commercial message.

Illuminated sign. A sign that is illuminated by electrical or other artificial devices.

Incidental sign. A sign, generally informational, that has a purpose secondary to the use of the site on which it is located, such as “no parking,” “entrance,” “loading only,” “telephone,” and similar information and directives. ~~No sign with a commercial message legible from a position on the site on which the sign is located shall be considered incidental.~~

~~Information, piece of. A word, whole number, telephone number, price, logo, picture, exclamation point or similar separately identifiable unit on a sign.~~

~~Institutional sign. A sign bearing a message related to an institutional use, where such sign is located on the same premises as such use.~~

Logo. The graphic or pictorial presentation of a message, including, but not limited to, the use of shapes, designs, decorations, emblems, trademarks, symbols or illustrations, or the superimposition of letters or numbers or any other use of graphics or images other than the sequential use of letters and numbers.

Lot. A parcel of land, the boundaries of which have been established by some legal instrument such as a recorded deed or plat, and which is recognized as a separate legal entity for purposes of transferring title. This term shall include any number of contiguous lots, or portions thereof, upon which a single principal building and its accessory buildings are located or intended to be located.

Monument sign. A ground sign designed and constructed to enclose any and all supporting poles, braces, columns, and/or uprights on all sides of the sign, and to substantially appear as a solid

mass or base, such as a cylinder, block, rectangle or square, from undisturbed natural ground level to the highest portion of the sign.

Multi-tenant business development. A development under the same ownership consisting of two (2) or more business establishments separated by a tenant separation wall, using common driveways and on-site parking facilities, including but not limited to shopping centers, office complexes, office buildings and business parks.

Multi-tenant sign. A freestanding sign used to advertise businesses that occupy a shopping center or complex of two or more tenants.

Night. Those hours between 10:00 p.m. and 7:00 a.m.

Nit. Candela per meter square used as a measurement of brightness.

Nonconforming sign. Any sign that if erected within the city limits met the requirements of the city at the time it was erected, but does not conform to the requirements of this article; and that if erected within the extraterritorial jurisdiction of the city met the requirements of any governing authority with jurisdiction to regulate said sign at the time it was erected, but which does not conform to the requirements of this article.

Off-premises sign. A sign which is located on property and transmits a message pertaining to a product, use, occupancy or function which is not located on the same property as the sign. The terms "off-premises sign" and "billboard" shall have the same meaning herein.

On-premises sign. A sign the context of which relates to a use, occupancy, function or product manufactured on the same property on which the sign is located.

Person. An individual, or any association, company, corporation, firm, organization or partnership, singular or plural, of any kind.

Pole ~~mounted ground~~ sign. A ~~ground~~ sign mounted on one or more visible freestanding poles, columns, uprights, or braces permanently attached to the ground, which is not attached to the building.

~~Political sign. A sign attracting attention to political candidates or issues as defined by the state election code. A political sign is for temporary use only.~~

Portable sign. Any sign not permanently attached to the ground or other permanent structure or a sign designed to be transported, including but not limited to:

- (1) Signs designed to be transported by wheels;
- (2) Signs made as A-frames or T-frames;
- (3) Balloons used as signs; and
- (4) Umbrellas used for commercial messages.

Portable. Signs shall be allowed for no more than thirty (30) days. The total usage for a portable sign shall not exceed four (4) per calendar year.

Primarily commercial area. An area of property along one side of a public street between two (2) adjacent intersecting public streets in which fifty-one percent or more of the total frontage is used for commercial purposes.

Primarily residential area. An area of property along one side of a public street between two (2) adjacent intersecting public streets in which fifty-one percent or more of the total frontage is used for residential purposes.

Projecting sign. A sign, other than a flat wall sign, which is attached to and projects from a building wall or other structure not specifically designed to support the sign.

~~Real estate sign. A sign advertising real property for sale or for lease. A real estate sign is for temporary use only.~~

Residential purposes. Property devoted to use as a single-family, for one and two single-family dwelling. Residential purposes include but are not limited to property used for houses, duplexes, condominiums, townhouses or townhomes, and garden or patio homes. Property used for apartments, hotels, motels and boardinghouses shall be considered nonresidential. Property devoted to both residential and nonresidential use shall be considered as used for residential purposes.

~~Residential sign. Any sign located in a residential area that contains no commercial message, including, but not limited to, a personal identification sign, as in describing a personal affiliation of the type including, but not limited to, a team or church membership.~~

Roof sign. A sign that is erected over or on the roof of a building.

Setback lines. A line parallel to and measured from a property line which establishes an area in which no building or structure, or portion thereof, shall encroach or otherwise be established or constructed. Setback line requirements refer to both sides and backs of lots

Sidewalk sign. An A-frame or T-frame sign, placed immediately exterior to the building wall and designed to be removed after business hours.

Sign. Any device, fixture, placard or structure that uses any color, form, graphic, illumination, symbol, or writing to advertise, announce the purpose of, or identify the purpose of a person or entity, or to communicate information of any kind to the public.

Sign permit application. A plan establishing parameters for the size, location and design of signs on a property being constructed or managed or managed as a single development.

Site. A lot, tract or parcel of land considered as one land unit for purpose of this article. For a single-family residence, the site shall be the subdivided lot on which it is located. For multifamily projects, the site shall be all land occupied by the buildings in the project and adjoining such property and under common ownership with it. For a vacant land, the site shall be all of the adjoining vacant land under single ownership. For single-occupancy, nonresidential

properties, the site shall be the subdivided lot that is occupied. For multiple-occupancy properties, the site shall be all land included under the original “site plan” or “subdivision plan” approval under the code, or all land included under the original sign permit application approval under this article or its predecessor, whichever land area is larger. The intent of this definition is to treat as one site an entire project as planned and developed together.

Stake sign. A temporary sign not permanently affixed or mounted into the natural ground. Such sign shall be considered but not limited to a sign face affixed to supporting structure, typically a wooden stake or metal rod, and such that can be placed in and/or removed from the ground by a single individual with reasonable force without any aid from any tools or devices.

Temporary sign. ~~Any sign that is used for a limited period of time, thirty (30) days, and is not permanently mounted.~~ A banner, pennant, poster or advertising display constructed of paper, cloth, canvas, plastic sheet, cardboard, wallboard, plywood or other like materials and that appears to be intended or is determined by the building official to be displayed for a limited period of time.

Traffic sign. A sign indicating federal, state or municipal regulations for automobile, truck, bicycle or pedestrian movement.

Wall, exterior. A vertical structural component of a building which encloses habitable or usable space; a parapet extending not more than 12 inches above a flat roof shall be considered part of the exterior wall for purposes of determining signage.

Wall sign. Any sign painted on or attached to and extending not more than six inches from an exterior wall in a parallel manner.

Window sign. A sign affixed to the interior or exterior of a window or placed immediately behind a windowpane.

Sec. 3.09.002 Notice of violation; penalty

When any sign is erected, constructed, built, reconstructed, altered or maintained in violation of these regulations, the property owner, his/her agent, lessee, management and/or tenant shall ~~be givengive~~ be given written notice to remove or alter the structure so as to comply with the standards set forth in these regulations as follows:

(1) The property owner, his/her agent, lessee, management and/or tenant shall be served with a written notice that states the violation and requires compliance with this article not more than ten (10) days from the date the notice is served. The notice may be served in person or by depositing the same as certified in the United States Postal Service addressed to the property owner at the owner’s address as shown on the most current tax roll of the city, or the tenant as shown on the utility billing records of the city. If the municipality mails the notice to the property owner and the United States Postal Service returns the notice as “refused” or “unclaimed,” the validity of the notice is not affected, and the notice is considered as delivered.

(2) Furthermore, after all provisions of subsection (1) of this section have been followed, the property owner, his/her agent, lessee, management and/or tenant shall be subject to a fine not to

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exceed five hundred dollars (\$500.00) for each provision violated, and each day that there is a failure to comply with the terms of any provision of this article is declared ~~to~~ a separate offense. For violations of the provisions of this article that govern fire safety, zoning, or public health and sanitation, including dumping of refuse, the fine may not exceed two thousand dollars (\$2000.00) per day, per violation.

Sec. 3.09.003 Prohibited signs and devices

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(a) All signs hereunder are prohibited within the city limits and within its extraterritorial jurisdiction. Such signs include, but are not limited to:

- (1) Abandoned signs, or dilapidated signs;
- (2) Any sign that copies or imitates an official sign or purports to have official status;
- (3) Any sign that obstructs or substantially interferes with any window, door, fire escape, stairway, ladder, or opening intended to provide light, air, ingress, or egress to any building;
- (4) Signs imitating standard public traffic, regulatory or emergency signs or signals;
- (5) Signs using the words, “stop,” “danger” or any other word, symbol or character in a manner which may mislead, confuse or distract the driver of a motor vehicle;
- (6) Off-premises signs and billboards constructed after the date of enactment of the ordinance from which this article is derived, including, but not limited to, a new off-premises changeable electronic variable message sign or the conversion of an existing non-changeable electronic variable message sign to a changeable electronic variable message sign, within the city limits or within the extraterritorial jurisdiction of the city ~~as described in section 3.09.007 of this article.~~
- (7) Any sign placed in or projecting in or over the public right-of-way or on a utility pole in the public right-of-way as described in subsection (c) of this section.
- (8) Advertising vehicles.
- ~~(9) Home occupation signs.~~
- ~~(10) Signs which use supports such as trees, rocks, bridges, fences, windmill towers or dilapidated buildings.~~
- ~~(11) Electronic animated signs shall not be permitted.~~

(b) Any such prohibited signs shall be removed at the discretion of the code official and/or his/her designee. If not removed by owners or occupants of the property within ten (10) days of notice, the code official and/or his designee shall cause the signs to be otherwise removed and the cost of removal shall become a lien against the property until satisfied.

(c) Only the following signs shall be allowed on a city street, easement or right-of-way within the city limits or on a public street, easement or public right-of-way within the city’s extraterritorial jurisdiction:

- (1) Public signs erected by or on behalf of a governmental body to identify public property, convey public information and direct or regulate pedestrian or vehicular traffic;
- (2) Bus stop signs erected by a public transit company;
- (3) Informational signs of a public utility regarding its poles, lines, pipes or other facilities;
- (4) Signs appurtenant to a use of public property permitted under a franchise or lease agreement with the city;
- (5) Signs posted in association with municipal, county, state or federal authorities for crime prevention or public safety and health;
- (6) Legal notices erected by or on behalf of a governmental body; and
- (7) Emergency warning signs erected by a government agency, a public utility company, or a contractor doing authorized or permitted work within the public right-of-way.

Any other sign placed in or projecting in or over the public right-of-way or on a utility pole in the public right-of-way in violation of this article shall be deemed a public nuisance and may be seized by the code official or his/her designee, and the person owning or placing the sign may be charged both with a violation of this article and with the cost of removing and disposing of the sign. If the person or entity placing the sign cannot otherwise be determined for purposes of enforcement, it will be presumed that the name of the person or entity appearing on the sign, or the owner or occupant of the premises depicted on the sign, directed the placement and is subject to enforcement as described hereunder.

Sec. 3.09.004 Signs exempt from regulation

The following signs shall be exempt from regulation under this article:

- (1) Any official or public notice or warning sign required by a valid and applicable federal, state or local law, regulation or ordinance, by a public utility company or by order of a court of competent jurisdiction.
- (2) Traffic signs on private property, such as stop, yield or similar signs, which meet department of transportation standards and contain no commercial message.
- (3) Holiday decorations ~~with no commercial message displayed~~, as long as said decorations are displayed within a holiday season.
- ~~(4) "No Trespassing," "No Hunting," "No Fishing" or "No Loitering" signs, which shall not exceed one square foot in area.~~
- (54) Any governmental signs.
- (56) Incidental signs placed for informational purposes ~~without commercial message~~ and limited to one square foot in area.

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(67) The changing of advertising copy or message on a painted sign, including theater marquee signs and similar signs specifically designed for the use of replaceable copy, change of face panel, or where the sign frame was designed for replaceable plates, shall not require a permit. For off-premises advertising, the sign structure shall be removed if the sign structure becomes so dilapidated as to violate section 3.09.082 of this article.

Sec. 3.09.005 Temporary signs

(1) Temporary signs allowed at any time:

- a. A property owner may place one sign with a sign face no larger than two (2) square feet on the property at any time.
- b. A property owner may place a sign no larger than 8.5 inches by 11 inches in one window on the property at any time.

(2) A sign may be located on the owner's property for a period of thirty (30) days prior to an election involving candidates for a federal, state or local office that represents the district in which the property is located or involves an issue on the ballot of an election within the district where the property is located per issue and per candidate.

(3) One temporary sign may be located on a property when:

- a. The owner consents and that property is being offered for sale or lease through a licensed real estate agent;
- b. If not offered for sale through a real estate agent, when the sign is owned by the property owner and that property is offered for sale or lease by the owner; and
- c. For a period of forty-five (45) days following the date on which a contract of sale has been executed by a person purchasing the property.

(4) Temporary signs may be located on the owner's property on a day when the property owner is opening the property to the public. Said "open to the public event" shall comply with Article 4.12 of the City of Liberty Code of Ordinances.

(5) Banners and Portable Signs. On-premises banner signs and portable signs may be used only during business or activity opening or special promotions, and shall be subject to the following:

- a. Whether singly or in combination, no more than three (3) banners or portable signs shall be permitted on a single lot of land; however, the area of such displays shall not be counted against the maximum combined sign area allowed for permitted permanent signs.
- b. Banners and portable signs may be placed no longer than thirty (30) days.

not requiring permit

The following signs are considered temporary in nature and do not require a permit. They are, however, subject to the restrictions in construction or design indicated.

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~~(1) — Banners. On-premises banner signs may be used only during business or activity opening or special promotions, and shall be subject to the following:~~

~~(A) — Whether singly or in combination, no more than three banners or portable signs shall be permitted on a single lot of land; however, the area of such displays shall not be counted against the maximum combined sign area allowed for permitted permanent signs.~~

~~(B) — Banners may be placed no longer than thirty (30) days.~~

~~(2) — Portable signs. Portable signs and similar temporary signs may be used only during business or activity opening or special promotions, and shall be subject to the following:~~

~~(A) — Whether singly or in combination, no more than three banners or portable signs shall be permitted on a single lot of land; however, the area of such displays shall not be counted against the maximum combined sign area allowed for permitted permanent signs.~~

~~(B) — Other than sidewalk signs regulated within the downtown district, portable signs may be placed no longer than thirty (30) days.~~

~~(3) — Garage sale signs. Signs for garage sales shall be allowed only on private property with the permission of the property owner.~~

~~(4) — Political signs. Political signs are considered temporary signs and shall be allowed under the following provisions:~~

~~(A) — Such signs shall not be located in the public right-of-way or on other public property or on any utility pole or tree, except that signs may be located on city or other governmental property within specified proximity of polling places during elections at which the specific city or other governmental property is designated as a polling place.~~

~~(B) — Such signs shall comply with all requirements as provided by the Texas Election Code.~~

~~(C) — Signs must be removed within three (3) days following the election.~~

~~(5) — Real estate signs. Real estate signs, including those indicating sale, rental or lease, are allowed under the following provisions:~~

~~(A) — On-premises real estate signs are allowed in residential and commercial developments for a maximum of three hundred sixty-five (365) days.~~

~~(B) — A real estate sign for a single family dwelling shall not exceed one (1) per lot; in size, the sign shall not exceed forty-two (42) inches in height and a maximum of five (5) square feet in area.~~

~~(C) — A real estate sign for commercial property shall not exceed ten (10) feet in height and a maximum of thirty-two (32) square feet. A maximum of one (1) real estate sign shall be permitted on tracts of three (3) acres or less, a maximum of two (2) real estate signs shall be permitted [on tracts] larger than three (3) acres but less than fifty (50) acres, and a~~

~~maximum of three (3) real estate signs shall be permitted on a tract of fifty (50) acres or larger.~~

~~(6) Residential signs. Residential signs are considered temporary signs and shall be allowed under the following provisions:~~

~~(A) Such signs shall not exceed four (4) square feet in area and forty two (42) inches in height.~~

~~(B) There shall be no more than three (3) residential signs on any site containing a single dwelling unit.~~

~~(C) Such signs shall be posted at least ten (10) feet from any public right of way and shall not be posted in a public right of way, easement, or on any private common area.~~

~~(D) Stake signs shall have a maximum of six (6) square feet in effective area and a maximum height of four (4) feet.~~

Sec. 3.09.006 Nonconforming signs ~~and unsafe signs~~

A sign lawfully erected prior to adoption of the ordinance from which this article is derived but which does not conform in one or more respects with the requirements of this article may remain in use, subject to the requirements of this section and other applicable requirements of city ordinances, under the following limitations:

(1) Abandonment. Any sign or sign structure ~~related to a use or business that ceases to exist or operate for a continuous period of one (1) year shall be considered nonconforming and shall not be reused for sign purposes unless and until it is in full conformity with the provisions of this article, subject to issuance of a new sign permit. If an abandoned sign or sign structure no longer advertises a bona fide business or has become dysfunctional due to closing of a business for a period of ninety (90) consecutive days the sign shall be declared in violation of this article and such sign shall be restored to use or removed by the owner, lessee or person responsible for the sign or the owner's agent within thirty (30) days after notice of violation. If the owner, lessee or person responsible for the sign or the owner's agent fails to restore the sign or sign structure to use or remove the abandoned sign or sign structure within the specified thirty (30) days, the code official or his/her designee shall remove the abandoned sign or sign structure at the property owner's expense under the provisions as set forth in subsections (4)(A), (B) and (C) below that has been abandoned shall be removed.~~

(2) Change of copy. No change of copy shall be permitted, except on a changeable copy sign, without bringing the sign into full conformance with this article and with the applicable sign permit application.

(3) Other nonconforming signs on premises. For single-occupant properties, the issuance of a sign permit for a new or replacement sign shall be subject to the condition that all nonconforming signs on that property shall be removed or brought into conformance as part of the work of installing the new or replacement sign. For multi-occupant properties, the issuance of a sign permit for a new or replacement sign for any occupant shall be subject to the condition

that all nonconforming signs for that occupant shall be removed or brought into conformance as part of the work of installing the new or replacement sign.

~~(45) Off-premises signs. All off-premises signs as defined herein shall not be allowed for reconstruction and/or remodel.~~

Sec. 3.09.007 Unsafe signs

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~~(4) Unsafe signs.~~ If any sign or sign structure, in the opinion of the code official or his/her designee, becomes insecure or in danger of falling or otherwise unsafe, the code official or his/her designee shall give written notice on the condition of the sign to the person owning, leasing, or responsible for the sign. The person so notified shall correct the unsafe condition of the sign in a manner to be approved by the code official or his/her designee in conformity with this article and any other applicable code of the city. When a sign or sign structure poses an immediate danger or threat to public safety, the code official or his/her designee shall make a reasonable effort to contact the owner or lessee to remove or repair within twenty-four (24) hours. The code official or his/her designee shall take the necessary steps to abate the nuisance at the property owner's, tenant's and/or agent's expense either by using the following provisions:

(A) Whenever the property owner, agent, lessee or tenant fails to abate the unsafe or dangerous [sign], the code official or his/her designee shall abate the nuisance at the city's expense;

(B) The charge shall be the actual cost of abatement, plus applicable sales taxes, and an administrative fee of \$75.00 shall be assessed for each charge; and

(C) The owner of the property, agent, lessee, or tenant shall be billed for all expenses incurred and will submit payment within thirty (30) days after billing. If actual charges and administrative fees are not paid within specified time, the city shall file a lien against the property. Said lien shall be filed in the deed records of the county. The charges shown on the lien shall bear interest at the rate of ten percent (10%) per annum from the due date until paid. The lien shall be inferior only to tax liens and liens for street improvements.

~~(5) Off-premises signs. All off-premises signs as defined herein shall not be allowed for reconstruction and/or remodel.~~

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Sec. 3.09.008~~7~~ Enforcement in extraterritorial jurisdiction

Pursuant to V.T.C.A., Local Government Code section 216.902, the provisions of this article shall be enforced in and extend to the city's extraterritorial jurisdiction.

Sec. 3.09.009 Sign setback line requirements for highways, downtown district, and city streets

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<u>HWY 146</u>	<u>HWY 90</u>	<u>HWY 146</u>	<u>Downtown</u>	<u>City Streets</u>
<u>Bypass</u>			<u>District</u>	
<u>5 ft. from</u>	<u>10 ft. from</u>	<u>5 ft. from</u>	<u>Property line</u>	<u>5 ft. from</u>

<u>property line</u>	<u>property line</u>	<u>property line</u>		<u>property line</u>
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Secs. 3.09.0~~1008~~–3.09.040 Reserved

Division 2. Permit

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Sec. 3.09.041 Required; liability insurance

(a) If a sign requiring a permit under this article is to be placed, constructed, erected or modified on a site, a contractor licensed by the state to erect signs, or, where otherwise permitted by law, the owner of the lot, or, with the owner's written permission, the owner's designee, shall secure a sign permit prior to the construction, placement, erection or modification of such a sign in accordance with the requirements of this article. If the applicant is someone other than the legal owner of the property, said applicant shall be required to submit the property owner's written verification acknowledging permission for placement of the sign on the property.

(b) Commercial general liability insurance with a minimum aggregate of \$600,000.00 and a per-occurrence minimum of \$300,000.00 [is required], and such insurance shall be written by an insurance carrier licensed to do business in this state and shall provide that coverage afforded under the policy will not be canceled, suspended, voided or reduced until at least thirty (30) days' prior written notice has been endeavored to be given to the city via certified mail, return receipt requested.

Sec. 3.09.042 Application

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(a) An application for a sign permit may be filed only by a contractor licensed by the state to erect signs, or, where otherwise permitted by law, the owner of the lot, or, with the owner's written permission, the owner's designee, and if not the owner, the applicant must include the owner's written verification acknowledging permission for placement of the sign on the property.

(b) An application for a sign permit shall be filed with the building official on a form prescribed by the building official, along with the approved fees incident to the application and permit.

(c) Each application for a sign permit shall contain the information required on the application form, and such other information regarding the proposed sign as the building official may deem necessary in order to determine whether the proposed sign complies with the applicable requirements of this article and other applicable ordinances of the city. The application shall contain the following:

- (1) One set of plans;
- (2) A description of the proposed sign;
- (3) All existing buildings on the property;

- (4) The location by street and number of ~~f~~ the proposed sign structure;
- (5) The distance from the ~~property line~~~~urb~~ to the sign;
- (6) Size and height of the sign;
- (7) Whether the sign is electrical;
- (8) The name, address and telephone number of the property owner;
- (9) The name, address, telephone number and license number of the registered sign contractor or erector.
- (d) The building official shall determine whether the application is complete. If the application is determined to be incomplete, the building official shall notify the applicant of any deficiencies and shall take no further steps to process the application until the deficiencies are remedied.
- (e) Application fees for sign permits shall be as established from time to time by the city council. (~~Ordinance adopting Code~~)
- (f) Notwithstanding section 3.09.002(2), the application fee or a sign permit shall be doubled when the installation or alteration of a sign is commenced or completed before the necessary permit is obtained. (~~Ordinance 2009-11, sec. 6(B), adopted 7/14/09~~)

Sec. 3.09.043 Approval procedure; appeals; variances

Signs shall be erected, installed or created only in accordance with a duly issued and valid sign permit from the building official. Such permit shall be issued only in accordance with the following requirements and procedures:

- (1) An application for the construction, creation or installation of a new sign or for modification of an existing sign shall be accompanied by a detailed drawing showing the dimensions, design, structure and location of each particular sign, and such other information as is required to comply with this article. A separate application and permit is required for each sign.
- (2) The building official shall cause an inspection of the site for which each permit for a new sign or modification of an existing sign is issued within six (6) months following issuance of a permit, or at such earlier date that the owner may request. The sign permit shall be valid for 180 days from date of issuance.
- (3) Within forty-eight (48) hours, beginning at 9:00 a.m. on the next working day, of receiving an application for a sign permit, the building official shall review the application for completeness. Within ten (10) business days of finding an application to be incomplete, the building official shall provide written notice to the applicant detailing the specific deficiencies in the application, with appropriate references to this article.
- (4) Within twenty (20) business days of receipt of a complete application for a sign permit, the building official shall either:

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- (A) Issue the sign permit, if the sign conforms in every respect to the requirements of this article and the sign permit application; or
- (B) Deny the sign permit, if the sign fails to conform to either the requirements of this article or the sign permit application. If the sign permit is denied, the building official shall then give written notice to the applicant detailing the specific deficiencies, with appropriate references to this article.
- (5) Any person may appeal a decision of the building official concerning enforcement of the provisions of this article by filing such appeal with the city manager within ten (10) business days after the decision by the building official. The appeal will then be scheduled to be heard by the planning and zoning commission at a regular or specially called meeting, with a public hearing scheduled thereon, and, following such public hearing, the planning and zoning commission at such meeting will then take action on the appeal by either deferring, rejecting or approving the appeal as submitted, thence referring the decision to the city council for final approval or disapproval. If the decision of the building official is to be appealed respecting a sign in existence, no action shall be taken on the sign while the decision is being appealed to the planning and zoning commission, unless the sign, by virtue of its physical condition, presents an immediate and significant threat to public safety.
- (6) As part of a variance request where the literal application of this article would create an undue hardship for the sign user and the following criteria are met:
- (A) A literal application of this article would not allow the property to be used.
- (B) The granting of the requested variance would not be materially detrimental to the property owners in the vicinity.
- (C) Any hardship is not in any way the result of the applicant's own action or the result of a self-created or personal hardship or for financial reason alone. Simply dividing a building into multiple occupancies shall not be sufficient grounds for granting a variance. Hardship caused the sign user under a literal interpretation of this article is due to conditions unique to that property and does not apply generally to the city.
- (D) Applicants for a variance may only be accepted when the site complies with this article. A variance request shall not be accepted after a sign is installed in violation of this article.
- (E) The granting of the variance would not be contrary to the general objectives of this article.

Sec. 3.09.044 Lapse

A sign permit shall lapse if the use of a building or premises by a specified business or other establishment is discontinued by the owner or occupant for a period of ninety (90) days or more. Any sign for which a permit lapses shall be considered an abandoned sign and shall be removed as provided by this article. ~~(Ordinance 2009-11, sec. 6(D), adopted 7/14/09)~~

Sec. 3.09.045 Removal of abandoned or nonconforming signs

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Abandoned signs and signs which do not conform to the requirements of this article shall be removed. Any sign permit application for a premises which is not in conflict with the requirements of this article or which has not otherwise lapsed shall remain in effect for the premises.

Sec. 3.09.046 Substitution of message on sign

On a commercial sign that is otherwise allowed under this article, any ~~commercial or noncommercial~~ message may be substituted, in whole or in part, without permitting or approval being required therefor, if no alteration is made of the size or structure of the sign.

Sec. 3.09.047 Approval of signs in downtown district

A sign requiring a permit under this article which is to be placed, constructed, erected or modified on a site within the downtown district shall require advance approval of the downtown district advisory board, as described in division 4 of this article.

Secs. 3.09.048–3.09.080 Reserved

Division 3. Construction, Design and Maintenance

Sec. 3.09.081 Construction and design standards

Notwithstanding such additional restrictions as may be applicable to signs placed within the downtown district, as described in division 4 of this article, all signs shall be designed, constructed and maintained in accordance with the following standards:

- (1) Compliance with building code. All signs shall comply with the provisions of the building code as then adopted by the city.
- (2) Electric signs. Electric signs that have internal wiring or lighting equipment, and external lighting equipment that directs light on signs, shall not be erected or installed until an electrical permit has been obtained from the building official. All such signs and equipment shall bear the seal of approval of an electrical testing laboratory that is nationally recognized as having the facilities for testing. All such signs and equipment shall comply with the National Electrical Code as then adopted by the city. All wiring to electric signs or to freestanding equipment that lights a sign shall be installed underground.
- (3) Construction generally; pole mounted ground signs. Except for temporary signs and sidewalk signs conforming in all respects with the requirements of this article, all signs shall be constructed of permanent materials and shall be attached to the ground, a building or another structure by direct attachment to a wall, frame or structure. All pole mounted ground signs (freestanding signs) shall be enclosed by material designed to prevent rust. The sign should appear as a solid mass or base, such as a cylinder, block, rectangle or square. The pole should be covered from undisturbed natural ground level to the highest portion of the sign.

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(4) Wind resistance. All sign foundations shall be designed for 110-mile-per-hour winds, or most current adopted code, the plan for which must bear a professional engineer's calculations and seal. Exemption to this is that the sign is a pole mounted ground sign and is a maximum height of six (6) feet with the face being no larger than four (4) feet by eight (8) feet.

(5) Electronic message centers. Electronic message centers shall conform to the following regulations:

(A) The message or image on an electronic message center must remain static (stationary) for a minimum of eight (8) seconds.

(B) Notwithstanding section 3.09.083, the message area of an electronic message board sign may be illuminated by incandescent lamps, LED (light emitting diodes), magnetic discs, or other sources of light. Whatever the light source, undue brightness is prohibited. For enforcing this provision, prima facie proof of undue brightness is the illumination of a portion of the sign in excess of the intensity levels specified below:

(i) Day: 5,000 nits.

(ii) Night: 1,000 nits

To ensure compliance with this provision, the sign must have an automatic phased proportional dimmer, which must be used to reduce nighttime brightness levels (compared to daytime brightness levels). Further, prior to the issuance of a permit for an electronic message center sign, the applicant shall provide written certification from the sign manufacturer that the light intensity has been factory preset not to exceed the levels specified above, and the intensity level is protected from end-user manipulation.

(C) Any electronic message centers installed prior to the date of the adoption of this article must submit written certification from the sign manufacturer or other persons deemed appropriate by the city that the sign does not cause undue brightness and meets the intensity levels specified above. The owner of an electronic message center shall have sixty (60) days from the adoption of this article to submit certification to the city.

(D) A sign owner may modify existing legal conforming structures to an electronic message center only after filing application for a permit and receiving approval by the city.

(E) Electronic message centers shall comply with applicable federal and state laws and regulations.

(F) Failure to adhere to any of these provisions may result in the revocation of the electronic message center portion of the permit.

(G) Only one (1) electronic message center is allowed per premises.

~~(H) No electronic message center attached to a freestanding sign shall exceed fifty percent (50%) of the total allowable sign face area for any on-premises freestanding sign.~~

~~(H)~~ — No electronic message center attached as a wall sign shall exceed fifty percent (50%) of the area of the maximum allowable size for a wall sign at that location.

~~(I)~~ — The addition of any electronic message center to any nonconforming freestanding sign is prohibited.

~~(K) — Electronic animated signs shall not be permitted.~~

~~(JL)~~ — By definition, changeable copy signs which display time, temperature or price shall be allowed as on-premises signs.

(6) Area of freestanding signs. The area of a freestanding sign shall be based on total road frontage of the property where the sign is to be permitted. The area shall be as follows:

<u>Frontage (feet)</u>	<u>Maximum Area (square feet)</u>
<u>0-50</u>	<u>25</u>
<u>51-100</u>	<u>50</u>
<u>101-150</u>	<u>75</u>
<u>151-200</u>	<u>100</u>
<u>201-250</u>	<u>125</u>
<u>251-300</u>	<u>150</u>
<u>301-350</u>	<u>175</u>
<u>351-400</u>	<u>200</u>
<u>401-450</u>	<u>225</u>
<u>451-500</u>	<u>250</u>
<u>501-550</u>	<u>275</u>
<u>551-600</u>	<u>300</u>

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~~Frontage (feet)~~

~~Maximum Area (square feet)~~

(7) Wall signs. Wall signs shall be regulated by the following:

(A) Maximum area: 15% of wall area.

(B) Maximum height: 3 feet above building roof.

(8) Multi-tenant signs. Multi-tenant signs shall be allowed and shall follow the requirements of subsection (6) of this section; furthermore, each sign incorporated in the total signage allowed shall be equally proportioned among the business establishments.

(9) Height of monument signs. The height of a monument style sign shall not exceed twelve (12) feet in height.

(10) Window signs. The coverage area of a window shall not exceed thirty percent (30%).

Sec. 3.09.082 Maintenance

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Notwithstanding such additional restrictions as may be applicable to signs placed within the downtown district, as described in division 4 of this article, all signs shall be maintained in good structural condition, in compliance with all building and electrical codes, in conformance with this article, and subject to the following provisions:

- (1) A sign shall have no more than twenty percent (20%) of its surface area covered with disfigured, cracked, ripped or peeling paint, poster paper or other material for a period of more than thirty (30) days.
- (2) A sign shall not stand with bent or broken sign facing, with broken supports, with loose appendages or struts, or more than fifteen (15) degrees from vertical for a period of more than ten (10) days.
- (3) A sign shall not have weeds, trees, vines or other vegetation growing upon it, or obscuring the view of the sign from the public right-of-way from which it is to be viewed, for a period of more than ten (10) days.
- (4) An internally illuminated sign shall be allowed to stand with only partial illumination for a period of no more than thirty (30) days.
- (5) Flags shall not be faded, tattered or torn.
- (6) Sign illumination shall be placed and shielded so as not to directly cast light rays into nearby residences or sleeping accommodations or into the eyes of motor vehicle drivers.
- (7) All signs and sign structures shall be kept in good repair and, unless of galvanized or non-corroding metal treated with appropriate wood preservative, shall be thoroughly painted as often as necessary, consistent with good maintenance. All signs, sign structures and surrounding area shall be maintained in a safe, clean, sanitary and non-offensive condition, and shall be kept free and clear of all obnoxious substances and rubbish. All braces, belts, clips, supporting frames, fastenings and systems shall be free from deterioration, termite infestation, rot or loosening. All signs shall be able to withstand safely at all times the wind pressure specified in this article and any other applicable ordinances of the city. If any sign is not so maintained, the code official or his/her designee shall give written notice to the owner or lessee thereof to so maintain the sign or to remove the sign.
- (8) Signs may not create a traffic hazard, and shall be constructed and maintained as follows:
 - (A) Clear sight triangle. No sign shall be erected in the clear sight triangle. Signs shall be erected so as not to obstruct or impair motor vehicle driver vision at business ingress or egress points or at street intersections.
 - (B) Other hazards. No sign shall be erected, and there shall be no lighting of signs or premises thereof, in such a manner or in such location as to obstruct the view of, or to be confused with, any authorized traffic signal, notice or control device. Signs using the word "stop," "danger" or any other word, symbol or character in a manner which may mislead, confuse or distract the driver of a motor vehicle are strictly prohibited.

(C) Notwithstanding other provisions of this article, any such sign or light source constituting a traffic hazard shall be removed at the direction of the building official and/or his/her designee. If not removed by the owner or occupant of the property within ten (10) days of notice, unless otherwise deemed an immediate hazard, the building official and/or his/her designee shall cause the sign to be otherwise removed, and the cost of removal shall become a lien against the property from which it was removed until payment for removal is satisfied.

Sec. 3.09.083 Lighting

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(a) Generally. Notwithstanding such additional restrictions as may be applicable to signs placed within the downtown district, as described in division 4 of this article, the following regulations shall apply to signs where lighting is included:

(1) Sign illumination shall be placed and shielded so as not to directly cast light rays into nearby residences or sleeping accommodations or the eyes of motor vehicle drivers.

(2) Electrical requirements pertaining to signs shall be as prescribed under the National Electrical Code as adopted.

~~(3) Neon lighting shall only be permitted in signs for retail and restaurant establishments.~~

~~(43)~~ No sign regulated by this article shall utilize an exposed incandescent lamp with an external reflector and without a sunscreen or comparable diffusion in excess of fifty (50) watts, or unless wattage does not exceed ten (10) watts.

~~(45)~~ A higher wattage incandescent lamp may be used with no diffuser for lane open or closed designation.

~~(56)~~ No sign shall use any revolving beacon light, flashing light or strobes.

(b) Uniformity. Lighting on signs shall be consistent throughout a project, and no sign or portion thereof shall be illuminated differently from any other sign, except as allowed otherwise in this article.

-Secs. 3.09.084–3.09.120 Reserved

Division 4. Downtown District

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Sec. 3.09.121 Prohibited signs and devices

In addition to those signs prohibited by section 3.09.003, the following signs are prohibited within the downtown district:

(1) Backlit signs;

~~(2) Electronic message board signs;~~

~~(23)~~ Flashing signs;

(34) Portable signs designed to be transported by wheels; and

(45) Roof signs.

Sec. 3.09.122 Signs not requiring permit

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(a) Sidewalk signs. ~~In addition to the restrictions in placement, construction or design contained in section 3.09.005, s~~ Sidewalk signs in the downtown district shall not require a permit or advance approval but shall conform to the following requirements:

- (1) The maximum height of the sign shall be four (4) feet;
 - (2) The maximum width of the sign shall be three (3) feet;
 - (3) In addition to conforming to the requirements of section 3.09.003(a), a minimum clear sidewalk width of four (4) feet shall be maintained;
 - (4) The sign must be properly anchored or weighted against wind;
 - (5) The sign may not contain changeable letters on tracks; and
 - (6) The sign must be removed after business hours.
- (b) Banners. A banner may not exceed twenty-four (24) square feet in area.

Sec. 3.09.123 Construction, design and placement

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All signs placed within the downtown district shall be designed, constructed and maintained in accordance with the standards described in division 3 of this article, and in addition thereto shall adhere to the following standards:

- (1) An alley sign shall not exceed six (6) square feet in area.
- (2) An awning sign shall not exceed sixteen (16) square feet in area.
- (3) A hanging sign shall not exceed eight (8) square feet per face, and shall provide a minimum of eight (8) feet clearance between the sidewalk surface and the bottom of the sign. The sign must hang perpendicular to the facade of the building.
- (4) A projecting sign shall not exceed twenty-five (25) square feet per face, and the top of the sign shall be located below the roofline of the building to which it is attached, the base of the sign shall be no less than eight (8) feet above the ground, and the sign shall not project more than six (6) feet from the exterior wall of the building.
- (5) A wall sign shall be limited in size as follows:
 - (A) For a sign placed on the same side as the building's primary entrance, and based upon the linear measurement of the wall containing said primary entrance, the sign shall be no more than fifteen percent (15%) of the total wall area the sign is to be placed on.

- (B) Any sign placed on a building's secondary side or the side facing any side street not containing the primary entrance of the building shall be no larger than the size of a sign on the wall containing the primary entrance of the building.
- (6) The coverage area of a window sign shall not exceed thirty percent (30%) of the area of the window in which it is placed.
- (7) Each premises may have no more than two (2) signs and one (1) sidewalk sign for each street entrance, with the exception of the following:
- (A) A building located on the corner of two (2) named streets may also have one (1) sign and one (1) sidewalk sign oriented to its secondary or side street frontage; and
- (B) A building containing a public rear entrance may also have one (1) sign and one (1) sidewalk sign oriented to the rear of the building.
- (8) No sign in the downtown district shall cover or otherwise obstruct any distinctive architectural feature of the building on which it is placed or painted.
- (9) No more than thirty percent (30%) of any exterior wall of a building may be covered by signage.
- (10) Projecting signs and awnings shall be anchored to withstand 110-mile-per-hour winds, and shall be built pursuant to a plan bearing a professional engineer's calculations and seal.

Sec. 3.09.124 Approval procedure

If a sign requiring a permit under this article is to be placed, constructed, erected or modified on a site within the downtown district, in addition to the requirements for permit described in division 2 of this article, prior approval of the downtown district advisory board must be obtained, with proof thereof submitted to the building official.

- (1) As applicant, the building owner, or, with the owner's written permission, the owner's designee, shall meet with the building official to determine the requirements for a sign to be placed, constructed, erected or modified on a site within the downtown district.
- (2) The applicant shall then complete any written application for a sign as required by the downtown district advisory board, and submit the application, with all attachments required, to the building official for review as required by the downtown district advisory board.
- (3) The applicant shall attend such meetings as may be scheduled by the downtown district advisory board for the purpose of presenting the application for sign approval.
- (4) Upon approval by the downtown district advisory board, the applicant shall secure such permits as may be required for construction, placement or modification from the building official.
- (5) Within sixty (60) days of grant of permit from the building official, construction shall commence as described in the approved application. Work must be completed within 180 days.

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Sec. 3.09.125 District boundaries

The area of downtown beginning at the intersection of Dr. Martin Luther King, Jr. Blvd. and Milam heading north on Milam to the intersection of Milam and Grand, thence continue heading east on Grand to the intersection of Grand and San Jacinto, thence continue heading south on San Jacinto to the intersection of San Jacinto and Dr. Martin Luther King, Jr. Blvd., thence heading west on Dr. Martin Luther King, Jr. Blvd. to the intersection of Dr. Martin Luther King, Jr. Blvd. and Milam.

Section 2. That the requirement contained in Section 3.10 of the Home Rule Charter of the City of Liberty, Texas that all ordinances be read on two days is hereby dispensed with.

Section 3. This Ordinance shall take effect from and after its final passage and publication as required by law.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Liberty, this _____ day of January, 2017.

Carl Pickett, Mayor

ATTEST:

Dianne Tidwell, City Secretary

(Ordinance 2009-11, sec. 10(E), adopted 7/14/09)

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The City of Liberty

City Council
1829 Sam Houston
Liberty, TX 77575

7.A.4

Meeting: 01/10/17 06:00 PM

Department: Administration
Category: Street Issues

COUNCIL ACTION 2017-1

DOC ID: 3688



The City of Liberty

City Council
1829 Sam Houston
Liberty, TX 77575

Meeting: 01/10/17 06:00 PM

Department: Administration
Category: Budget Amendments

7.A.5

ORDINANCE 2017-2

DOC ID: 3689

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LIBERTY, TEXAS AMENDING THE CITY'S BUDGET FOR THE FISCAL YEAR BEGINNING ON OCTOBER 1, 2016 AND ENDING ON SEPTEMBER 30, 2017; PROVIDING FOR AN INCREASE IN REVENUES AND EXPENDITURES IN THE CAPITAL OUTLAY BUDGET; PROVIDING THAT EXPENDITURES FOR SAID FISCAL YEAR SHALL BE MADE IN ACCORDANCE WITH SAID BUDGET, AS AMENDED AND ADOPTED; PROVIDING FOR AN EFFECTIVE DATE; AND DISPENSING WITH THE REQUIREMENT OF SECTION 3.10 OF THE HOME RULE CHARTER THAT ALL ORDINANCES BE READ ON TWO SEPARATE DAYS.

WHEREAS, the City Council of the City of Liberty heretofore adopted its Annual Budget for the Fiscal Year beginning on October 1, 2016 and ending on September 30, 2017; and

WHEREAS, said Budget was adopted by Ordinance No. 2016-13 On September 13, 2016, and after approval of said Ordinance, conditions have arisen that require amendment of said Budget previously adopted; and

WHEREAS, These changes in estimated revenues and expenditures have been duly noted in the Fiscal Year 2016-2017 budget; and

WHEREAS, after full and final consideration, it is the consensus of the City Council that the 2016-2017 Fiscal Year Budget as hereinafter set forth should be amended as provided herein.

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

SECTION 1.

The Annual Budget for the Fiscal Year 2016-2017, including adjustments, is hereby amended to increase revenues and expenditures in the Capital Outlay Budget as shown in Exhibit "A", attached hereto and incorporated herein.

SECTION 2.

The expenditures and amendments authorized by this Ordinance are necessary to meet conditions or circumstances that could not have been included in the original budget, through the use of reasonably diligent thought and consideration.

SECTION 3.

Expenditures during the 2016-2017 Fiscal Year shall be made in accordance with the amended budget approved herein, and said budget document shall be on file for public inspection in the office of the City Secretary.

SECTION 4.

That this Ordinance shall take effect immediately from and after its passage as indicated below.

SECTION 5.

That the requirement contained in Section 3.10 of the Home Rule Charter of the City of Liberty, Texas that all ordinances be read on two (2) separate days is hereby dispensed with and all Council Members present vote affirmatively for the adoption of this Ordinance.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Liberty, Texas on the 10th day of September, 2016.

Carl Pickett
Mayor

ATTEST:

Dianne Tidwell
City Secretary

PACKET: 00188--TRANSFER FROM CAMBRIDGE

BUDGET CODE: CB-Current Budget

EXHIBIT-A

FUND ACCOUNT	DATE	DESCRIPTION	ADJUSTMENT	ORIGINAL BUDGET	PREVIOUS ADJUSTMENTS	NEW BUDGET	BUDGET BALANCE
Budget Adj. # 000206 -----							
01 406-360	1/06/2017	CAMBRIDGE FUNDS FOR	40,742.00	55,000.00	0.00	95,742.00	55,000.25
CAPITAL OUTLAY							
02 450-402	1/06/2017	CAMBRIDGE FUNDS FOR	89,504.00	43,000.00	0.00	132,504.00	89,560.40
CAPITAL OUTLAY							
01 403-360	1/06/2017	CAMBRIDGE FUNDS FOR	148,987.00	61,800.00	0.00	210,787.00	61,800.00
CAPITAL OUTLAY							
01 410-360	1/06/2017	CAMBRIDGE FUNDS FOR	307,862.00	0.00	0.00	307,862.00	307,862.00
CAPITAL OUTLAY							
01 301-0208	1/06/2017	CAMBRIDGE FUNDS FOR	587,095.00	0.00	0.00	587,095.00--	587,095.00--
TRANSFER IN FROM OTHER FUNDS							
Budget Adj. # 000207 -----							
5 425-710	1/06/2017	TRANSFER FOR PROJEC	587,095.00	4,000.00	0.00	591,095.00	591,095.00
TRANSFER TO OTHER FUNDS							
TOTAL NO. ADJUSTMENTS--REVENUE:					1	587,095.00	
TOTAL NO. ADJUSTMENTS--EXPENSE:					5	1,174,190.00	
TOTAL IN PACKET--						1,761,285.00	

** NO WARNINGS **

** NO ERRORS **

*** END OF REPORT ***

Attachment: Exhibit A Budget Amendment (ORD-2017-2 : Budget Amendment)

**The City of Liberty**

City Council
1829 Sam Houston
Liberty, TX 77575

Meeting: 01/10/17 06:00 PM

Department: Administration
Category: Streets

ORDINANCE 2017-3

DOC ID: 3690 A

AUTHORIZING THE VACATING AND ABANDONMENT OF A PORTION OF VERA LANE; AND PROVIDING FOR AN EFFECTIVE DATE; AND DISPENSING WITH THE REQUIREMENT OF SECTION 3.10 OF THE HOME RULE CHARTER THAT THIS ORDINANCE BE READ ON TWO SEPARATE DAYS.

WHEREAS, the City of Liberty, Texas, as a city incorporated and operating under the laws of the State of Texas, has the authority under Chapters 282, 253, and 272 of the Local Government Code, as amended, to vacate, abandon and close municipal rights-of-way, or streets, by ordinance, when such action is in the best interest of and serves the public purpose, and

WHEREAS, there exists a street right-of-way known as Vera Lane located in Liberty, Texas; and

WHEREAS, the said Street appears from existing deed records to previously have been dedicated to the City of Liberty; and

WHEREAS, the City of Liberty has received a request from the abutting property owner(s) to consider vacating and abandoning a portion of said Vera Lane between Lee Street and Still Forest Drive; and,

WHEREAS, the abandonment and vacating of said Street will not affect the traffic flow or pattern in the area, and the City Council finds that it is in the best interest of the City to abandon, vacate and close said Street for public use, since it is no longer used for vehicular traffic; and

WHEREAS, the City Council of the City of Liberty, Texas, finds and declares that it is in the best interest of all of the citizens of the City of Liberty, Texas that said Street be vacated and closed and abandoned, in favor of the request of the abutting property owners.

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

Section 1. That the unimproved portion of the Vera Lane right-of-way located between Lee Street and Still Forest Drive, as shown on the map attached as Exhibit "A" and made a part of this Ordinance for all purposes, be, and the same is hereby abandoned, vacated and closed insofar as the right, title or easement of the public is concerned.

Section 2. That said portion of the Streets and/or Public Rights-of-Way are not needed for public roadway purposes and it is in the public interest of the City of Liberty to abandon said described portion of the Streets/rights-of-way for use as a road and roadway.

Section 3. That the abandonment provided for herein shall extend only to the public right and

title in and to the tracts of land described in Section 1 of this Ordinance, and shall be construed only to that interest the governing body of the City of Liberty may legally and lawfully abandon.

Section 4. This Ordinance shall be in full force and effect upon its passage and the obligations required herein of the abutting property owners.

Section 5. The requirement of Section 3.10 of the Home Rule Charter that this Ordinance be read on two separate days is hereby dispensed with.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Liberty, this the 10th day of January, 2017.

Carl Pickett, Mayor

ATTEST:

Dianne Tidwell, City Secretary

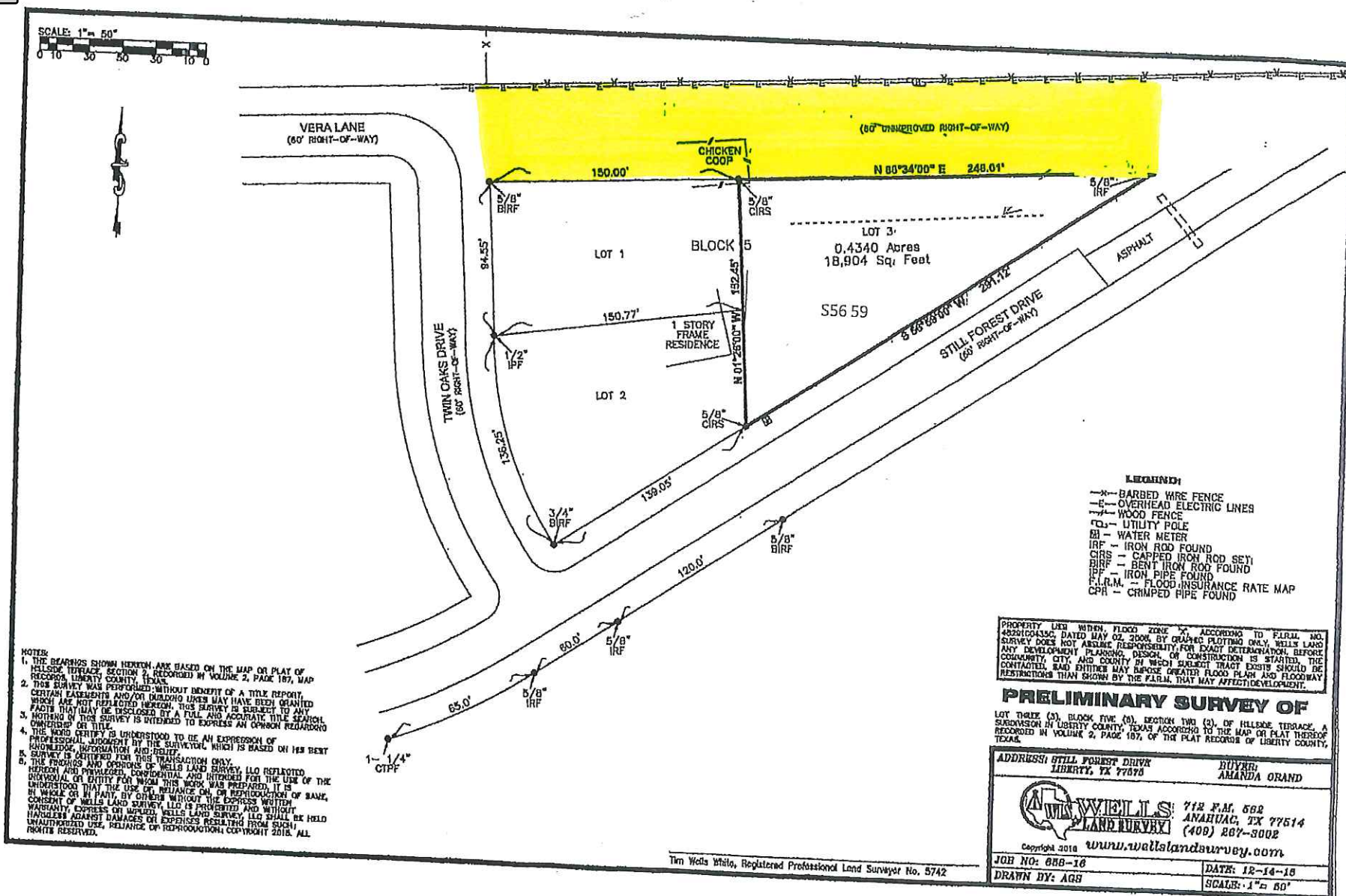
CITY OF LIBERTY

City Council Agenda Item Form

Council Meeting Date: January 10, 2017
Agenda Item No. VII.A.6
Agenda Wording: Consider adoption of an Ordinance vacating and abandoning the unimproved right-of-way of Vera Lane between Lee Street and Still Forest Drive.
Department: Public Works/Inspections
Subject: Request to abandon the unimproved right-of-way of Vera Lane between Lee and Still Forest Drive.
Background: The applicant's representative for this item, Mr. Matt Harris, is requesting the City abandoned the unimproved right-of-way of Vera Lane between Lee and Still Forest Drive. The Hillside Terrace Subdivision is located off of N. Main was Accepted, Approved and Authorized by the City of Liberty on February 23, 1953. Included in the subdivision was a sixty (60) right-of-way for Vera Lane between Lee and Still Forest Drive. Over the years, Vera Lane was constructed between Hillside Drive and Lee. However, the section between Lee and Still Forest Drive has remained as an unimproved right-of-way. The City has no plans to construct a street on this right-of-way. The property owner of Block 5 is proposing to sell Lot 3 to the applicant. Due to the triangular shape of the property, the applicant would not be able to build a home on the property and meet the various setback requirements. The abandonment of the right-of-way would provide the additional area needed to build the home and meet the setbacks. The Planning and Zoning Commission considered this item during the January 4, 2017, meeting and voted 5-0 to approve the abandonment request.
Fiscal Impact: NA
Staff Recommendation: Staff recommends approval of the abandonment request.
Purpose: The abandonment will allow the construction of a new home within the City.

Attachment: Agenda Form-Vera Lane [Revision 1] (ORD-2017-3 : Vera Lane ROW)

EXHIBIT "A"





The City of Liberty

City Council
1829 Sam Houston
Liberty, TX 77575

7.A.7

Meeting: 01/10/17 06:00 PM

Department: Administration
Category: Plats

COUNCIL ACTION 2017-2

DOC ID: 3691

CITY OF LIBERTY

City Council Agenda Item Form

Council Meeting Date: January 10, 2017
Agenda Item No. VII.A.7
Agenda Wording: Consider approval of the Preliminary Plat of the Holly Manor Subdivision, and take any action deemed necessary.
Department: Public Works/Inspections
Subject: Holly Manor Preliminary Plat
Background: The Holly Manor Preliminary Plat was submitted to the City for approval by Merrick Homes. The proposed subdivision consists of seven lots on Holly Street west of Milam. The proposed development does not include any infrastructure improvements. All utilities will be connected to existing utility facilities on Holly Street. The developer has indicated that they plan to sell the remainder 2.47 acre Unrestricted Reserve "A". The plat, as submitted, meets all of the subdivision requirements. In order to improve water service to Holly Street, including the proposed subdivision, the 2" water line on Holly will need to be increased to a 6" water line. The Planning and Zoning Commission considered this item during the January 4, 2017, meeting and voted 5-0 to approve the preliminary plat.
Fiscal Impact: None
Staff Recommendation: Staff recommends approval of the Holly Manor Preliminary Plat.
Purpose: The proposed subdivision will provide additional housing stock in the City.

Attachment: Agenda Form-Holly Manor (CA-2017-2 : Preliminary Plat-Holly Manor)



The City of Liberty

City Council
1829 Sam Houston
Liberty, TX 77575

7.A.8

Meeting: 01/10/17 06:00 PM

Department: Administration
Category: Board Appointments

COUNCIL ACTION 2017-3

DOC ID: 3693 A

EXPLANATION:

City Charter Section 13.13(a) - The City Council shall appoint, at its first regular meeting in January of each odd numbered year, a Charter Review Commission of five (5) citizens of the City of Liberty.

Section 13.13(c) - The term of office of such Charter Review Commission shall be six (6) months. Upon the written request of a majority of Charter Review Commission members, the City Council may extend the Commission's term of office for a period not to exceed ninety (90) days.

2105 Charter Review Members were: Jaime Carter, Victor Barranco, Marsha LaFour, Frank Jordan and Glenda Callaway.