

AN ORDINANCE OF THE CITY OF FRISCO, TEXAS, AMENDING FRISCO'S CODE OF ORDINANCES, CHAPTER 70 (SIGNS), SECTION 70-1 (DEFINITIONS AND REQUIREMENTS) AND AMENDING ORDINANCE NOS. 04-07-62 AND 06-10-109; PROVIDING FOR DEFINITIONS AND REQUIREMENTS FOR GARAGE SALE SIGNS AND OPEN HOUSE RESIDENTIAL SIGNS; PROVIDING FOR A PENALTY FOR THE VIOLATION OF THIS ORDINANCE; PROVIDING FOR REPEALING, SAVINGS AND SEVERABILITY CLAUSES; PROVIDING FOR AN EFFECTIVE DATE OF THIS ORDINANCE; AND PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF.

WHEREAS, the City Council of the City of Frisco, Texas ("City Council") has investigated and determined that it will be advantageous, beneficial and in the best interest of the citizens of the City of Frisco, Texas ("Frisco" or "City") to amend Section 2 of Ordinance No. 04-07-62 and Section 3 of Ordinance No. 06-10-109, which incorporated Exhibit "A", setting forth sign regulations; and

WHEREAS, the City Council has investigated and determined that it will be advantageous, beneficial and in the best interest of the citizens of Frisco to amend Chapter 70 (Signs), Section 70-1 (Definitions and Requirements) of Frisco's Code of Ordinances ("Code"), which incorporates Ordinance Nos. 04-07-62 and 06-10-109 into the Code by reference for the sole purpose of amending the definitions and requirements for Garage Sale Signs and Open House Residential Signs as set forth below; and

WHEREAS, the City Council has investigated and determined that it will be advantageous, beneficial and in the best interest of the citizens of Frisco to prevent potential traffic hazards resulting from signs' distractions and locations; and

WHEREAS, the City Council has investigated and determined that it will be advantageous, beneficial and in the best interest of the citizens of Frisco to prevent nuisances and invitations to vandalism; and

WHEREAS, the City Council has investigated and determined that it will be advantageous, beneficial and in the best interest of the citizens of Frisco to avoid obstructions to police and citizen views as a means of crime prevention; and

WHEREAS, the City Council has investigated and determined that it will be advantageous, beneficial and in the best interest of the citizens of Frisco to avoid obstructions to emergency services; and

WHEREAS, the City Council has investigated and determined that it will be advantageous, beneficial and in the best interest of the citizens of Frisco to create a neat and orderly appearance throughout Frisco; and

WHEREAS, the City Council has investigated and determined that it will be advantageous, beneficial and in the best interest of the citizens of Frisco to create a gateway effect into commercial areas and neighboring residential areas; and

WHEREAS, the City Council has investigated and determined that it will be advantageous, beneficial and in the best interest of the citizens of Frisco to create a means of safely identifying a place of business and the services available on the premises without creating esthetic offenses and harm; and

WHEREAS, the City Council has investigated and determined that it will be advantageous, beneficial and in the best interest of the citizens of Frisco to support the general economic development of Frisco; and

WHEREAS, the City Council has investigated and determined that it will be advantageous, beneficial and in the best interest of the citizens of Frisco to promote and aide in economic development and the tax base by allowing panel (kiosk) signs which supports residential development, which, in turn, provides a customer base for commercial areas; and

WHEREAS, the City Council has investigated and determined that it will be advantageous, beneficial and in the best interest of the citizens of Frisco to support the values promoted by Frisco, including its identity that was created from the promotion that Frisco is, "A great place to live, work, play and grow! In Frisco you can experience all the comfort, community and security of a small town while enjoying all the excitement, culture and opportunity of a big city." These values are promoted by providing for a means to communicate information related to the residential community, local civic activities and government; and

WHEREAS, the City Council has investigated and determined that it will be advantageous, beneficial and in the best interest of the citizens of Frisco to ensure a non-commercial atmosphere within residential areas; and

WHEREAS, the City Council has investigated and determined that it will be advantageous, beneficial and in the best interest of the citizens of Frisco to maintain open spaces by setbacks; and

WHEREAS, the City Council has investigated and determined that it will be advantageous, beneficial and in the best interest of the citizens of Frisco to create appropriate and orderly commercial and residential atmospheres; and

WHEREAS, the City Council has investigated and determined that it will be advantageous, beneficial and in the best interest of the citizens of Frisco to maintain the privacy of the home and limit what an unwilling viewer must be exposed to relative to the enjoyment of the investment made in the home; and

WHEREAS, the City Council has investigated and determined that it will be advantageous, beneficial and in the best interest of the citizens of Frisco to enhance property values and psychological well-being for individuals and families; and

WHEREAS, the City Council has investigated and determined that, unless expressly stated herein, this Ordinance does not change the character of any non-public forum to a limited public forum or a designated/open public forum and it does not change the character of any limited public forum to a designated/open public forum; and

WHEREAS, the City Council has complied with all notices and public hearings as required by law.

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

SECTION 1: Findings Incorporated/Applicability of Ordinance. The findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein. This Ordinance amending Section 2 of Ordinance No. 04-07-62 and Section 3 of Ordinance No. 06-10-109 and Chapter 70 (Signs), Section 70-1 (Definitions and Requirements) of the Code shall regulate Garage Sale Signs and Open House Residential Signs within Frisco and its extraterritorial jurisdiction.

SECTION 2: Amendment to Frisco Ordinance Nos. 04-07-62 and 06-10-109 and Chapter 70 (Signs), Section 70-1 (Definitions and Regulations) of the Code.

Section 2 of Ordinance No. 04-07-62 and Section 3 of Ordinance No. 06-10-109 and Chapter 70 (Signs), Section 70-1 (Definitions and Regulations) of the Code are hereby amended for the sole purpose of amending the definitions and requirements for Garage Sale Signs and Open House Residential Signs for Frisco and its extraterritorial jurisdiction as set forth in Exhibit "A", attached hereto and incorporated herein for all purposes.

SECTION 3: Penalty Provision. Any person, firm, corporation or business entity violating this Ordinance, or as amended, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined a sum not exceeding Five Hundred Dollars (\$500.00). Each continuing day's violation under this Ordinance shall constitute a separate offense. The penal provisions imposed under this Ordinance shall not preclude Frisco from filing suit to enjoin the violation. Frisco retains all legal rights and remedies available to it pursuant to local, state and federal law.

SECTION 4: Savings/Repealing Clause. Frisco Ordinance Nos. 04-07-62 and 06-10-109 shall remain in full force and effect, save and except as amended by this or any other Ordinance. All provisions of any ordinance in conflict with this Ordinance are hereby repealed, but such repeal shall not abate any pending prosecution for violation of the repealed ordinance, nor shall the repeal prevent a prosecution from being commenced for any violation if occurring prior to the repeal of the ordinance. Any remaining portions of said ordinance shall remain in full force and effect.

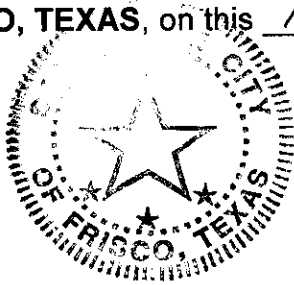
SECTION 5: Severability. Should any section, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. Frisco hereby declares that it would have passed this Ordinance, and each section, subsection, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional or invalid.

SECTION 6: No Change in Forums Created. Frisco hereby declares that it would not have passed any section of this Ordinance that changes the character of any

non-public forum to a limited public forum or a designated/open public forum or changes the character of any limited public forum to a designated/open public forum, and that any section found to do so by a Court of competent jurisdiction shall be severed and considered repealed effective on the date of the Court's order/ruling.

SECTION 7: Effective Date. This Ordinance shall become effective from and after its adoption and publication as required by law the City Charter and by law.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF FRISCO, TEXAS, on this 15th day of January, 2008



E. Michael Simpson

E. Michael Simpson, Mayor

ATTESTED AND CORRECTLY RECORDED:

Nan Parker

Nan Parker, City Secretary

APPROVED AS TO FORM:

Rebecca H. Brewer

Abernathy, Roeder, Boyd & Joplin, P.C.
Rebecca H. Brewer
City Attorneys

Dates of Publication: January 18 & 25, 2008, Frisco Enterprise

Exhibit "A"

GARAGE SALE SIGN – A temporary Stake Sign used to advertise a garage sale, yard sale, or estate sale at an occupied residential property that has obtained a Certificate of Occupancy. **(A) Time** – No Sign Permit required. A Garage Sale Sign shall not be erected earlier than 9:00am on the Saturday before the garage sale and must be removed by 6:00pm on the Sunday following the garage sale held during the same weekend. Garage Sale Signs shall not be erected during week days. **(B) Place** – Garage Sale Signs shall be located only on a private residential property with the consent of the property owner. Garage Sale Signs shall not be placed on a vehicle, fence, pole, tree, median, or railing. Garage Sale Signs shall not contain any Balloons, Wind Devices or other type of Sign, except Stake Signs, unless meeting the definition and requirements for that type of Sign. **(C) Manner** – A Garage Sale Sign shall not exceed six (6) square feet in area. The maximum height of a Garage Sale Sign shall not exceed four (4) feet. (See Sign Ordinance No. 06-10-109, Sections 1.02 through 1.14 for additional requirements.)

OPEN HOUSE RESIDENTIAL SIGN (OHRS) – A temporary Stake Sign used to advertise the name of a realtor or homeowner, phone number, date, open house address, and/or time of a residential open house. **(A) Time** – No Sign Permit required. OHRS shall be erected no earlier than 9:00am Saturday before the open house and shall be removed no later than 6:00pm Sunday of the open house during the same weekend. OHRS shall not be erected during week days. **(B) Place** – OHRS shall be located only on private residential property with the consent of the property owner and the subject property having the open house. **(C) Manner** – The maximum area of an OHRS sign shall not exceed six (6) square feet. The maximum height of an OHRS shall not exceed four (4) feet. An OHRS shall not contain Balloons, streamers, flags, pennants, or other Wind Devices. An OHRS shall not be placed on a vehicle, fence, pole, tree, or railing. (See Sign Ordinance No. 06-10-109, Sections 1.02 through 1.14 for additional requirements.)