

TOWN OF ADDISON, TEXAS

ORDINANCE NO. _____

AN ORDINANCE OF THE TOWN OF ADDISON, TEXAS AMENDING THE CODE OF ORDINANCES, CHAPTER 62 SIGNS TO PROVIDE A DEFINITION FOR FLAGS AND TO ALLOW DISPLAY OF FLAGS DURING CERTAIN PERIODS PROXIMATE TO FEDERAL HOLIDAYS; PROVIDING FOR SAVINGS, SEVERABILITY AND AN EFFECTIVE DATE; AND PROVIDING FOR A PENALTY OF A FINE NOT TO EXCEED THE SUM OF FIVE HUNDRED DOLLARS (\$500.00) FOR EACH OFFENSE; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town of Addison is beginning a multi-year process to review and draft new development regulations including those pertaining to signage; and

WHEREAS, the City Council of the Town of Addison desires to permit flag displays at times proximate to federal holidays pending a broader discussion on this and other signage topics that will occur as part of the development regulation review process.

BE IT ORDAINED BY THE CITY COUNCIL OF THE TOWN OF ADDISON, TEXAS THAT:

Section 1. The Code of Ordinances (the “Code”) of the Town of Addison, Texas, Chapter 62 (Signs), Section 62-1 – Definitions, is hereby amended to add a definition for the word “flag” which shall read in its entirety as follows:

Flag means any fabric or bunting containing distinctive colors, patterns, symbols or graphic depictions but not including text. The term “flag” does not include feather signs which are prohibited.

Section 2. The Code of Ordinances (the “Code”) of the Town of Addison, Texas, Chapter 62 (Signs), Section 62-272 – Advertising by flag or balloon prohibited, is hereby amended to read in its entirety as follows:

Sec. 62-272. - Advertising by flag or balloon prohibited.

Advertisement by means of a flag or balloon or other inflated sign anchored to the ground, a building or other structure is prohibited. Notwithstanding the foregoing or the provisions of Section 62-137(b), flags, without limitation as to number, may be displayed on any parcel of land within the City within five (5) days prior to and three (3) days following a national holiday such as Independence Day, Memorial Day, Labor Day or Veterans Day.

Section 3. **Incorporation of Premises.** The above and foregoing recitals and premises are true and correct and are incorporated herein and made a part hereof for all purposes.

Section 4. Savings; Repealer. This Ordinance shall be cumulative of all other ordinances of the City and shall not repeal any of the provisions of those ordinances except in those instances where the provisions of those ordinances are in direct conflict with the provisions of this Ordinance. Provided, however, that the repeal of such ordinances or parts of such ordinances and the amendments and changes made by this Ordinance, shall not affect any right, property or claim which was or is vested in the City, or any act done, or right accruing or accrued, or established, or any suit, action or proceeding had or commenced before the time when this Ordinance shall take effect; nor shall said repeals, amendments or changes affect any offense committed, or an penalty or forfeiture incurred, or any suit or prosecution pending at the time when this Ordinance shall take effect under any of the ordinances or sections thereof so repealed, amended or changed; and to that extent and for that purpose the provisions of such ordinances or parts of such ordinances shall be deemed to remain and continue in full force and effect.

Section 5. Severability. The sections, paragraphs, sentences, phrases, clauses and words of this Ordinance are severable, and if any section, paragraph, sentence, phrase, clause or word in this Ordinance or application thereof to any person or circumstances is held invalid or unconstitutional by a Court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this Ordinance, and the City Council hereby declares that it would have passed such remaining portions of this Ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

Section 6. Penalty. Any person, firm, or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction shall be punished in accordance with the provisions of Section 1-7 of the Code of Ordinances, Town of Addison, Texas, as amended.

Section 7. Effective Date. This Ordinance shall take from and after its adoption and publication as required by law.

PASSED AND APPROVED by the City Council of the Town of Addison, Texas this the 26th day of June, 2018.

Joe Chow, Mayor
Town of Addison, Texas

ATTEST:

APPROVED AS TO FORM:

By: _____
Irma Parker, City Secretary

By: _____
Brenda N. McDonald, City Attorney