



CITY OF LA MARQUE

REGULAR AGENDA of April 20, 2026

Notice is hereby given that the Ordinance Review Committee of the City of La Marque, Texas will conduct a **Regular Meeting** on **April 20, 2026**, beginning at **6:00 PM** in the **Council Chambers** at **1109-B Bayou Road La Marque, Texas** as well as via **videoconference hosted through Zoom (bczoom.cityoflamarque.org)**. In accordance with Section 551.127(b) of the Texas Government Code the presiding officer and a quorum of the Ordinance Review Committee intend to be and will be physically present at 1109-B Bayou Road, La Marque, Texas. This location will be open to the public.

The Committee will meet for the purpose of considering the following agenda:

1. CALL MEETING TO ORDER
2. ROLL CALL
3. INVOCATION AND PLEDGE OF ALLEGIANCE
4. PRESENTATIONS
 - 4.I. Code Compliance Division
5. CITIZENS PARTICIPATION
LIMITED TO THREE MINUTES PER PERSON

Comments from the public will be heard at this time. Any person with city-related business who has signed up may speak to the Committee (limited to three (3) minutes). If wishing to speak give the Chair or presiding officer your full legal name and the item you wish to speak about. In compliance with Texas Open Meeting Act, the City may not deliberate on comments. Personal attacks will not be allowed, and personnel matters should be addressed to the City Manager during normal business hours. *Press *6 to mute or unmute if you are participating by telephone, press the unmute button if attending via zoom on a smartphone, tablet or computer, or stand if attending in person, and the presiding officer will call on you in turn.*

6. MINUTES
7. OLD BUSINESS
Items presented to the Committee for discussion and possible action:
 - 7.I. Reviewing and proposing amendments to the City of La Marque's Dumpster Ordinance

7.II. Reviewing and proposing amendments to the City of La Marque's Sign Ordinance

8. NEW BUSINESS

Items presented to the Committee for discussion and possible action:

8.I. Reviewing and proposing amendments to the City of La Marque's homestead exemption

8.II. Reviewing and proposing amendments to the City of La Marque's fencing regulations

9. REQUESTS AND ANNOUNCEMENTS

Requests by Committee Members of items to be placed on future agendas and announcements on city events/community interests TEX. GOV'T CODE §551.415. (b), "items of community interest" include: (1) expressions of thanks, congratulations, or condolence; (2) information regarding holiday schedules; (3) an honorary or salutary recognition of a public official, public employee, or other citizen, except that a discussion regarding a change in the status of a person's public office or public employment is not an honorary or salutary recognition for purposes of this subdivision; (4) a reminder about an upcoming event organized or sponsored by the governing body (5) information regarding a social, ceremonial, or community event organized or sponsored by an entity other than the governing body that was attended or is scheduled to be attended by a member of the governing body or an official or employee of the municipality or county; and (6) announcements involving an imminent threat to the public health and safety of people in the municipality or county that has arisen after the posting of the agenda

10. ADJOURNMENT

CERTIFICATION:

I hereby certify that the above notice of meeting was posted at 1109-B Bayou Road, La Marque, Texas on April 14, 2026 at 3:00 p.m.

Kierra K. Nance, TRMC
City Clerk

Footnotes:

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Charter reference— Authority of council to prescribe rules and regulations for the handling and disposal of garbage, trash and rubbish, § 1.09.

State Law reference— Solid Waste Disposal Act, V.T.C.A., Health and Safety Code § 361.001 et seq.; local regulation of sanitation, V.T.C.A., Health and Safety Code § 342.001 et seq.; municipal solid waste, V.T.C.A., Health and Safety Code § 363.001 et seq.; municipal solid waste, 30 Tex. Admin. Code § 330.1 et seq.; approved containers, 30 Tex. Admin. Code § 330.23.

ARTICLE I. - IN GENERAL

Sec. 35-1. - Definitions.

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

Garbage. The term "garbage" shall be interpreted to mean all putrescent wastes, including vegetables, animal and poultry offal, carcasses of small animals and dead fowl, and shall include all such substances from all public and private establishments and from all residences.

Hazardous material. The term "hazardous material" shall include, but not be limited to, any amount of waste listed or characterized hazardous by the United States Environmental Protection Agency pursuant to the Resource Conservation and Recovery Act of 1976, as amended, or applicable state law.

Rubbish. The term "rubbish" shall mean solid and ordinary waste, other than garbage, including glass and ashes, broken ware, discarded clothing, trash, tin cans, bottles, papers and tree limbs, grass and weed cuttings properly contained or bundled not exceeding four feet in length and 50 pounds in weight per bundle.

Rubble. The term "rubble" shall mean dirt, rocks, broken concrete, bricks, debris resulting from construction, reconstruction or repair of buildings, and other earthen waste materials.

Service unit. The term "service unit" shall mean a biweekly average amount of garbage or rubbish not to exceed whichever of the following is applicable:

- (1) The contents of two garbage containers, each not greater than 30 gallons; or
- (2) Fifteen cubic feet of rubbish.

Special pickup items. By the term "special pickup items" is meant any appliance, furniture, uncut brush and limbs, tree limbs exceeding three-inch diameter or any other trash object that would not normally be picked up by the regular garbage trucks.

(Code 1972, § 9-1; Ord. No. 249, § I; Ord. No. 366; Ord. No. 510; Ord. No. 706, § 1)

Sec. 35-2. - Authority of sanitation department to collect and remove.

The sanitation department or its authorized agent(s) is hereby authorized to collect and remove garbage and rubbish from any premises in the city. Further, the use of private commercial haulers hired by any business or individual to provide for the collection of garbage and rubbish is expressly prohibited.

(Code 1972, § 9-2; Ord. No. 249, art. VI; Ord. No. 607; Ord. No. 706, § 1)

Sec. 35-3. - Duty to request and use collection service.

To assist in maintaining the general sanitation and health of the city, it shall be the duty of every person occupying or having control of the occupancy of any premises located on a regularly established garbage and rubbish route to notify the sanitation department of the city at the beginning of such occupancy and request, accept and use the garbage and rubbish pickup and collection service. Failure of any owner, rental agent or occupant of such premises to make such request shall not prevent nor in any way impair or impede the sanitation department from adding the address of such premises to the proper garbage and rubbish collection route records and providing such service and otherwise enforcing, by appropriate action, the regulatory measures prescribed in this chapter and causing the fees or charges therefor to be paid.

(Code 1972, § 9-3; Ord. No. 249, art. II; Ord. No. 706, § 1)

Sec. 35-4. - Containers required.

Every person occupying or having control of the occupancy of any premises shall provide and maintain thereon a sufficient number of containers to hold the garbage and rubbish accumulated on such premises between collections.

(Code 1972, § 9-4; Ord. No. 249, art. III; Ord. No. 706, § 1)

Sec. 35-5. - Container specification.

All garbage and rubbish shall be disposed of in one of the following:

- (1) Containers required by section 35-4 shall be portable, with handles, and constructed of galvanized metal or equivalent in such a manner as to be strong, not easily corrodible, rodentproof, flyproof, and shall have a tightfitting lid or cover, which shall not be removed except when depositing or removing the contents of the container. Such containers shall have a capacity of not more than 30 gallons nor less than ten gallons and not exceeding 50 pounds gross weight.
- (2) Sealed plastic bags made from a polyethylene resin film with a nominal thickness of two mils and not exceeding 50 pounds gross weight may also be used.
- (3) Confiscation of improper containers. Any container which allows the contents to leak or fall out or which has jagged or sharp edges which might cause injury or any garbage container without a tight-fitting cover is hereby declared to be a public nuisance and shall be picked up and destroyed by the sanitation department. A notice of the hazard will be attached to the container two weeks in advance to allow the owner to either repair or replace the container.

(Code 1972, § 9-5; Ord. No. 249, art. III; Ord. No. 607; Ord. No. 706, § 1)

Sec. 35-6. - Maintenance of containers.

All containers required by this chapter, and the ground immediately around the same, shall be kept in a safe and sanitary condition at all times. They shall be maintained so as not to create a fire hazard or provide harborage for rodents or a breeding place for insects. The surfaces of such containers shall be kept free of garbage accumulation by wrapping in paper all garbage placed in the container, by washing the container, or by other means.

(Code 1972, § 9-6; Ord. No. 249, arts. III, IV; Ord. No. 706, § 1)

Sec. 35-7. - Placement of container and other materials for collection.

- (a) *Residential.* All garbage, rubbish, or special pickup items shall be placed along the shoulder of the street, between the ditch and pavement edge, or within three feet of the concrete curb.
- (b) *Commercial.* All garbage, rubbish or special pickup items shall be placed as described in paragraph (a) above except where the supervisor of the sanitation department has agreed to a more suitable location at the owner's request. The city assumes no liability for damages to parking lots or other facilities where pickup is made on private property.

(Code 1972, § 9-7; Ord. No. 249, art. IV; Ord. No. 607; Ord. No. 706, § 1)

Sec. 35-8. - Time and frequency of collection.

- (a) The collection of garbage and rubbish will commence at 7:30 a.m. Garbage and rubbish shall be placed as required by section 35-7. All containers shall be removed from the street right-of-way on the day of collection. Failure to remove containers and/or container bins from the right-of-way will result in a discontinuance of service.
- (b) The collection of residential garbage and rubbish shall be made on a regularly scheduled basis twice weekly except where the city provides a cart, collection shall be made once weekly. On official city holidays, the regular collection shall occur as soon as practical before or after the regular collection date.
- (c) The collection of special pickup items will be made on a regular basis normally within a two-week period.

(Code 1972, § 9-8; Ord. No. 607; Ord. No. 706, § 1; Ord. No. 1010, § 1, 9-22-2008)

Sec. 35-9. - Removal of rubble and hazardous material.

- (a) Rubble shall be removed by the owner or occupant of the premises on which it is located, at his own expense and in a neat and sanitary manner, and shall not be permitted to accumulate on any premises beyond a reasonable length of time. No violation shall be charged hereunder unless ten days' notice of such unlawful accumulation shall have been given by the city manager or his designee and the same is not corrected within such time.
- (b) Hazardous material shall be removed by the owner or occupant of the premises on which it is located, at his own expense and in a neat, sanitary and safe manner. The city shall not collect, transport or dispose of hazardous material.

Sec. 35-10. - Commercial containers.

The city or its designated agent will be the only authorized agency to collect commercial garbage and refuse within the city limits.

- (1) The city or its agent will provide containers two cubic yards or larger at no additional charge to the customer.
- (2) Commercial container customers are required to place all of their garbage and rubbish inside of the container provided.
- (3) The size of container and frequency of collection will be determined, after consultation with the customer, by the sanitation department supervisor.
- (4) Screening required.
 - a. An owner or lessee of property shall place or maintain a commercial container so that it is not visible from the street right-of-way on the address side of the property. A commercial container located on a service drive behind a building on said property shall not be deemed visible from the street right-of-way.
 - b. A commercial container shall be deemed to be visible only if it can be seen by any person who is standing at grade level on any part of the right-of-way of a public street having a right-of-way width of 40 feet or more that adjoins the address side of the property on which the commercial container is located.
 - c. An owner or lessee of property may utilize a berm, building, fence, wall, gate, shrubbery, or a combination thereof which also complies with section 71-21(4)c. of this code, to accomplish the screening of a commercial container from view.
 - d. This article shall not apply to a commercial container situated upon property that is owned and maintained by a public school district or a private school.
- (5) Offenses.
 - a. *Offenses.* It shall be unlawful for any person to:
 1. Fail to comply with section 35-10(4) of this Code.
 2. Place or cause to be placed a commercial container on private property without first obtaining the permission of the owner or person in charge of the property.
 3. Fail to maintain screening as required under this article.
 - b. *Defenses.* It is a defense to prosecution under subsection a. above that:
 1. The commercial container is in daily actual use, exclusive of weekends, holidays, and inclement weather days, for the purpose of disposing of waste generated by the demolition or construction, or both, of improvements on the property upon which the commercial container is situated and that all building permits required for the work have been obtained.
 - 2.

The commercial container was placed by or upon written authority of the director on a temporary basis for a neighborhood clean-up campaign or similar temporary purpose.

3. The commercial container is used exclusively for the collection of recyclable materials.
4. There is inadequate space to locate the commercial container upon the property in a manner that complies with section 35-10(4) of this code.
5. Placement of the commercial container on the property in a manner that complies with section 35-10(4) of this Code would violate any provision of:
 - i. Chapter 14, article X of this Code relating to off-street parking requirements;
 - ii. Chapter 71 of this Code relating to zoning requirements;
 - iii. Chapter 14 of this Code relating to building and building regulations; or
 - iv. The fire code relating to dumpsters or fire apparatus access roads.

(Code 1972, § 9-10; Ord. No. 607; Ord. No. 706, § 2; Ord. No. 994, § 1, 1-14-2008)

Sec. 35-11. - Collection charges—Prescribed.

There are hereby levied charges, to be collected from the owner occupying any premises located or from the occupant or person in possession or control of any premises located on an established garbage and rubbish route within the city, for the removal and disposition of garbage and rubbish.

(Code 1972, § 9-11; Ord. No. 249, art. VI; Ord. No. 290; Ord. No. 378; Ord. No. 400; Ord. No. 445; Ord. No. 461; Ord. No. 476; Ord. No. 495; Ord. No. 510; Ord. No. 528; Ord. No. 537; Ord. No. 570; Ord. No. 594; Ord. No. 607; Ord. No. 618; Ord. No. 706, § 3; Ord. No. 717; Ord. No. 731; Ord. No. 761; Ord. No. 778; Ord. No. 794; Ord. No. 907, 8-27-2001; Ord. No. 926, 9-8-2003; Ord. No. 937, 9-27-2004; Ord. No. 949, 9-26-2005)

Sec. 35-12. - Same—Billing; when payable.

- (a) The service charges established by section 35-11 shall be determined on a monthly basis and shall be included and separately itemized on the same statement or bill with water and sewer charges. Such statement or bill shall be considered as one billing, and payment for one service shall not be received without payment of all where all services are received. Such charges shall be due and payable within 15 days after the date of the statement or bill.
- (b) Each monthly charge for garbage and rubbish pickup service shall be increased by ten percent thereof to arrive at the gross bill. The difference between the gross rate and the net rate, representing a discount, shall be allowed for payment of bills within 15 days of the date of the bill. If such charge is not paid within 15 days, the gross bill shall apply.

(Code 1972, § 9-12; Ord. No. 249, art. VI; Ord. No. 284; Ord. No. 607; Ord. No. 706, § 3)

Sec. 35-13. - Burning or burying.

No garbage, rubble or rubbish shall be burned or buried within the city except at landfills licensed by the state department of health. This section shall not preclude the burning of paper materials in an incinerator with a spark arrester with a weight no lighter than hardware cloth and with spacing one-fourth inch, and bearing the approval of the American Insurance writers. Use and operation of incinerators must be approved by the fire marshal and the Galveston County Health District, air control section.

(Code 1972, § 9-13; Ord. No. 249, art. V; Ord. No. 607; Ord. No. 706, § 3)

Sec. 35-14. - Unlawful deposits, accumulations and use of service.

- (a) No person shall deposit or place any garbage, rubble or rubbish in any alley, street or other public place within the city, or upon private property, whether owned by such person or not, within the limits of the city unless the same is enclosed within a suitable container, boxed or bundled as approved in this chapter, and at a location approved for collection by the sanitation department.
- (b) Fermenting, putrefying or odoriferous garbage or rubbish in containers uncollected or dumped in the open shall constitute a nuisance and a violation of this chapter.
- (c) No person shall deposit, or place any garbage, rubble or rubbish in any container or in any place which said person has not properly established pickup service with the city.

(Code 1972, § 9-14; Ord. No. 249; arts. III, VII; Ord. No. 607; Ord. No. 706, § 4)

Sec. 35-15. - Unlawful hauling.

It shall be unlawful for any person not under contract with the city or some other governmental agency to haul any garbage at any time, or to commercially haul any rubbish or rubble on any established route or regular basis, over the streets of the city.

(Code 1972, § 9-15; Ord. No. 249, art. IV; Ord. No. 706, § 4)

Sec. 35-16. - Dumping grounds prohibited; exception.

No garbage dump or dumping grounds where garbage, rubbish or rubble is disposed of shall be maintained or operated by any person, firm or corporation, whether private or governmental, within the city, and whether operated by sanitary landfill or otherwise, except for the garbage dump or dumping grounds used by the city for disposal of garbage collected by its sanitation department.

(Code 1972, § 9-16; Ord. No. 298; Ord. No. 706, § 4)

Sec. 35-17. - Chapter does not prohibit properly maintained compost piles or pits.

Nothing in this chapter shall be construed to prohibit the maintenance of compost piles or pits for the storage and disposition of vegetable matter consisting of grass cuttings, leaves and items of like nature, so long as such piles or pits are maintained in a satisfactory and sanitary manner, and do not become a public nuisance by causing the emission therefrom of obnoxious odors.

(Code 1972, § 9-17; Ord. No. 249, art. VII; Ord. No. 706, § 4)

Sec. 35-18. - Inspections to enforce chapter.

The sanitation department is hereby authorized to inspect any premises within the city for the purpose of enforcing the provisions of this chapter.

(Code 1972, § 9-18; Ord. No. 249; Ord. No. 706, § 4)

Sec. 35-19. - Penalty for violations of chapter.

Any person convicted of violating any provision of this chapter shall be punished as prescribed in section 1-7 of this Code.

(Code 1972, § 9-19; Ord. No. 706, § 4)

Sec. 35-20. - Regulation of recycling sites.

The city council shall be authorized to adopt regulations for the operation of recycling sites in order to ensure cleanliness and sanitary conditions.

(Code 1972, § 9-20; Ord. No. 706, § 5)

Secs. 35-21—35-53. - Reserved.

Editor's note— Ord. No. O-2024-0003, § 6, adopted February 26, 2024, repealed Art. II, §§ 35-44—35-53, which pertained to Keep La Marque Beautiful Commission and amended and relocated said provisions to Ch. 2, Art. X, §§ 2-316—2-325. Said sections derived from Ord. No. O-2017-0021, § 1, adopted Oct. 9, 2017; Ord. No. O-2017-0023, § 4, adopted Jan. 8, 2018. Formerly, Ord. No. O-2017-0021, § 1, adopted Oct. 9, 2017, amended Art. II, §§ 35-44—35-53, in its entirety in effect repealing and reenacting said article as set out herein. Former Art. II pertained to the clean city commission and derived from Code 1972, §§ 9-30—9-39; Ord. No. 565; Ord. No. 654, §§ 1, 2; Ord. No. 690, §§ 1, 2; and Ord. No. 857, §§ 1, 2, adopted Nov. 9, 1998.

ORDINANCE NO. 2013-009

AN ORDINANCE OF THE CITY OF LA MARQUE, TEXAS, REQUIRING A PERMIT TO CONDUCT A GARAGE SALE; PROVIDING FOR DEFINITIONS; PROVIDING FOR PERMITS AND FEES; LIMITING NUMBER OF SALES, EXCLUDING SIGNS ON PUBLIC RIGHT-OF-WAYS; AND PROVIDING A PENALTY.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LA MARQUE, TEXAS:

1. DEFINITIONS

Garage Sale – shall mean any sale entitled “garage sale”, “lawn sale”, “yard sale”, “attic sale”, “estate sale”, “rummage sale”, “flea market sale”, or any similar casual sale where the tangible personal property which is advertised by any means whereby the public at large is or can be made aware of such sale.

Goods - Persons shall not sell merchandise or goods, acquired solely for resale purposes in the garage sale.

Person - shall mean and include individuals, firm, group, partnerships, voluntary associations, and corporations.

2. PERMITS AND FEES

It shall be unlawful for any person to conduct a garage sale in the City of La Marque, Texas, without first filing with the La Marque Building Official’s Office located at City Hall, the information hereinafter specified and obtaining from such department a permit to do so, to be known as a “Garage Sale Permit”. No more than four (4) such sales shall be conducted at the same address within a twelve month period and no such permit shall be issued for more than seventy-two (72) consecutive hours. At least five (5) business days shall elapse between consecutive sales. Cancellation prior to the sale is required in writing and given to the La Marque Building Official’s Office prior to the sale so that it will not be counted towards the four (4) garage sale limitations per year. Each permit issued under this ordinance must be prominently displayed on the premises upon which the garage sale is conducted throughout the entire period of the permitted sale.

3. EXCEPTIONS

Any religious organization, charitable or non profit organization may hold a maximum of 12 garage sales per year, provided as follows:

- (1) The religious organization or organization does not hold more than one garage sale per month.
- (2) The sale must be conducted on the religious organization or organization property.

- (3) A member of the religious organization or organization, authorized to represent it, must register with the La Marque Building Official's Office. No fee will be charged for registration.
- (4) None of the net earnings of a garage sale shall inure to a shareholder or other individual.

4. INFORMATION TO BE FILED

The information to be filed with the La Marque Building Official's Office pursuant to this ordinance, shall be as follows: Name of applicant conducting such sale; proof applicant is the owner or lessee of the property to which the sale is to take place by providing a (driver's license, utility bill or other identification); location at which the sale is to be conducted; date of sale; number of days of sale; whether or not applicant has been issued any other vendor's license by any local, state or federal agency; sworn statement or affirmation by the person signing.

5. SIGNS


A garage sale sign will not be allowed on any city right-of-way. The duration of the sale shall not exceed seventy-two (72) hours. At the juncture, all signs and merchandise must be removed from the view of the public.


6. PENALTY

The violation of any provision of this section shall be unlawful and a misdemeanor offense, punishable by a fine not exceeding \$500.00. Each referral and each day a violation of this section shall constitute a separate offense.

PASSED AND APPROVED by the City Council of the City of La Marque, Texas, on the First Reading this the 12th day of August, 2013.

PASSED AND APPROVED by the City Council of the City of La Marque, Texas, on the Second and Last Reading this the 26th day of August, 2013.


Bobby Hocking, Mayor
Mayor, City of La Marque


Approved as to Form:
Ellis Ortego, City Attorney

ATTEST:

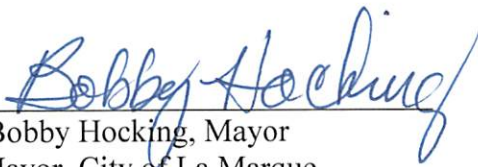
By: 
Robin Eldridge, TRMC

ORDINANCE NO. O -2013-009


AN ORDINANCE OF THE CITY OF LA MARQUE, TEXAS, REQUIRING A PERMIT TO CONDUCT A GARAGE SALE; PROVIDING FOR DEFINITIONS; PROVIDING FOR PERMITS AND FEES; LIMITING NUMBER OF SALES, EXCLUDING SIGNS ON PUBLIC RIGHT-OF-WAYS; AND PROVIDING A PENALTY.

PASSED AND APPROVED by the City Council of the City of La Marque, Texas, on the First Reading this the 12th day of August, 2013.

A PUBLIC HEARING WILL BE HELD DURING THE CITY COUNCIL MEETING OF AUGUST 26, 2013, AT 6:00 P.M. IN THE COUNCIL CHAMBERS, 1109-B BAYOU ROAD, LA MARQUE, TEXAS 77568.


Bobby Hocking, Mayor
Mayor, City of La Marque

ATTEST:

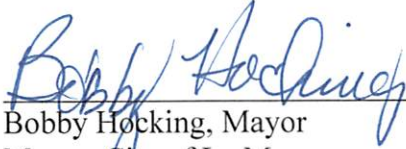

Robin Eldridge, TRMC
City Clerk

ORDINANCE NO. O -2013-009

AN ORDINANCE OF THE CITY OF LA MARQUE, TEXAS, REQUIRING A PERMIT TO CONDUCT A GARAGE SALE; PROVIDING FOR DEFINITIONS; PROVIDING FOR PERMITS AND FEES; LIMITING NUMBER OF SALES, EXCLUDING SIGNS ON PUBLIC RIGHT-OF-WAYS; AND PROVIDING A PENALTY.

PASSED AND APPROVED by the City Council of the City of La Marque, Texas, on the First Reading this the 12th day of August, 2013.

PASSED AND APPROVED by the City Council of the City of La Marque, Texas, on the second and final reading this the 26th day of August 26, 2013



Bobby Hocking, Mayor
Mayor, City of La Marque

ATTEST:



Robin Eldridge, TRMC
City Clerk

A F F I D A V I T

CITY OF LA MARQUE

ORDINANCE NO.
O-2013-009

AN ORDINANCE OF THE CITY OF LA MARQUE TEXAS, REQUIRING A PERMIT TO CONDUCT A GARAGE SALE; PROVIDING FOR DEFINITIONS; PROVIDING FOR PERMITS AND FEES; LIMITING NUMBER OF SALES, EXCLUDING SIGNS ON PUBLIC RIGHT-OF-WAYS; AND PROVIDING A PENALTY.

PASSED AND APPROVED by the City Council of the City of La Marque, Texas, on the First Reading this the 12th day of August, 2013.

A PUBLIC HEARING WILL BE HELD DURING THE CITY COUNCIL MEETING OF AUGUST 26, 2013, AT 6:00 P.M. IN THE COUNCIL CHAMBERS, 1109-B BAYOU ROAD, LA MARQUE, TEXAS 77568.

Bobby Hocking, Mayor
Mayor, City of La Marque

ATTEST:
Robin Eldridge, TRMC
City Clerk

Published: August 15, 2013
00338686

County of Galveston §
§
State of Texas §

Before me, the undersigned authority, on this day personally came and appeared **Sandra Villamil**, to me well known (or proved to me on the basis of satisfactory evidence), and who after being duly sworn (affirmed) did depose and say that she is an **AGENT** for **THE GALVESTON COUNTY DAILY NEWS**, a newspaper of general circulation, which has been continuously and regularly published for a period of not less than one year, in the County of Galveston, and that the **NOTICE**, a copy of which is hereto attached was published in said newspaper on the following days, to wit:

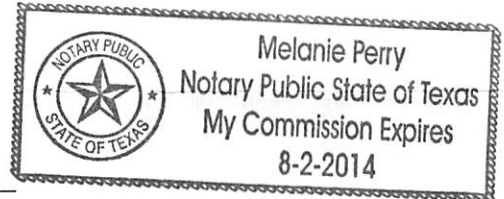
AUGUST 15, 2013

Sandra Villamil
Agent Signature

Sworn and subscribed before me

On this the 15th day of August, 2013

Melanie Perry
Notary for the State of Texas



A F F I D A V I T

Attachment

CITY OF LA MARQUE
ORDINANCE NO.
O-2013-009

AN ORDINANCE OF THE CITY OF LA MARQUE, TEXAS, REQUIRING A PERMIT TO CONDUCT A GARAGE SALE; PROVIDING FOR DEFINITIONS; PROVIDING FOR PERMITS AND FEES; LIMITING NUMBER OF SALES, EXCLUDING SIGNS ON PUBLIC RIGHT-OF-WAYS; AND PROVIDING A PENALTY.

PASSED AND APPROVED by the City Council of the City of La Marque, Texas, on the First Reading this the 12th day of August, 2013.

PASSED AND APPROVED by the City Council of the City of La Marque, Texas, on the Second and final reading this the 26th day of August 26, 2013

Bobby Hocking, Mayor
Mayor, City of La Marque

ATTEST:
Robin Eldridge, TRMC
City Clerk

Published: August 29, 2013
00339814

County of Galveston §
§
State of Texas §

Before me, the undersigned authority, on this day personally came and appeared **Sandra Villamil**, to me well known (or proved to me on the basis of satisfactory evidence), and who after being duly sworn (affirmed) did depose and say that she is an **AGENT** for **THE GALVESTON COUNTY DAILY NEWS**, a newspaper of general circulation, which has been continuously and regularly published for a period of not less than one year, in the County of Galveston, and that the **NOTICE**, a copy of which is hereto attached was published in said newspaper on the following days, to wit:

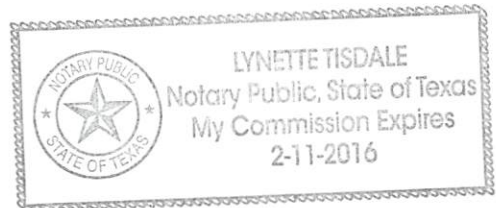
August 29, 2013

Sandra Villamil
Agent Signature

Sworn and subscribed before me

On this the 29th day of August 2013

Lynette Tisdale
Notary for the State of Texas



ORDINANCE NO. O-2016-0013

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LA MARQUE, TEXAS, AMENDING CHAPTER 14, BUILDINGS AND BUILDING REGULATIONS, BY REPEALING ARTICLE XI, SIGNS AND BILLBOARDS, OF THE CODE OF ORDINANCES OF THE CITY OF LA MARQUE, TEXAS, AND AMENDING CHAPTER 71, ZONING, BY ADDING A NEW SECTION 71-27, ENTITLED OUTDOOR ADVERTISING SIGN REGULATION, TO PROVIDE OUTDOOR ADVERTISING SIGN REGULATIONS; PROVIDING FOR A SAVINGS AND REPEALING CLAUSE; PROVIDING FOR A PENALTY.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LA MARQUE, TEXAS:

SECTION ONE:

That Article XI, Signs and Billboards, of Chapter 14, Buildings and Building Regulations, is hereby repealed in its entirety.

SECTION TWO:

That Chapter 71, Zoning, of the Code of Ordinances, City of La Marque, Texas, is hereby amended to add a new Section 71-27, Outdoor Advertising Sign Regulation, to read as follows:

“Sec. ARTICLE 71.27. OUTDOOR ADVERTISING SIGN REGULATION

(a) Purpose.

The purpose of these sign regulations is to encourage the effective use of signs as a means of communication in the City of La Marque: to maintain and enhance the aesthetic environment and La Marque’s ability to attract sources of economic development and growth; to improve pedestrian and traffic safety; to minimize the possible adverse effect of signs on nearby public and private property; and to enable the fair and consistent enforcement of these sign restrictions. This Section of the Ordinance is adopted under the zoning authority of La Marque in furtherance of the more general purposes set forth in this Ordinance. This Section of the Ordinance is adopted in accordance with Title 7, Chapter 216, of the Texas Local Government Code. This Section of the Ordinance is specifically aimed at achieving the goals, objectives, and public policies enumerated in the City of La Marque’s Zoning Ordinance.

(b) Definitions.

Business Directory Sign: An outdoor sign used solely for the purpose of identifying the building name, address, number, primary business or activity conducted on the immediate premises. When a facility contains two (2) or more tenants, a director sign may also identify individual

tenants.

Construction Sign: A sign stating the name of the architect, engineer, financing company, owner, construction company and a brief description of the project.

Display Surface (Sign): The surface made available for the direct mounting or application of letters, graphics and decoration including the mounting and framework surrounding said surface. The supporting standards are not a part of the display surface.

Indirect Lighting: A light source separated from the surface and illuminating the sign surface by means of spot lights or similar fixtures.

Portable Sign: A sign mounted on wheels, skids, or legs intended to be moved from location to location and used as a short-term temporary advertising device. Limited to two (2) sign faces with a maximum area of thirty-two (32) square feet per sign face.

Reflective Surface: Any material or device which has the effect of intensifying reflected light, including but not limited to scorch light, lamp glow, glass beads and luminous paint.

Sign: Shall mean any outdoor display, pictorial or other representation that shall be so constructed, placed, attached, painted, erected, fastened or manufactured in any manner whatsoever so that the same shall be used for advertising.

Sign face: That portion of the surface of a sign structure where words, letters, figures, symbols, logos, fixtures, colors, or other design elements are or may be located in order to convey the message, idea, or intent for which the sign has been erected or placed. The sign face may be composed of two (2) or more modules on the same surface that are separated or surrounded by open space or by portions of a sign structure not intended to contain any advertising message or idea and are purely structural or decorative in nature.

Sign module: Each portion or unit of a sign face that is clearly separable from other such units by virtue of the expression of a complete thought, message, logo, or idea.

Abandoned sign: A sign which no longer identifies or advertises a bona fide business, owner, lessor, lessee, service, product, or activity, or for which no legal owner can be found, or if found, disclaims any interest in the sign.

Automatically changeable advertising: Signs with text lines that can be changed using electronic means, signs with electronic reader boards using LED lights are not considered digital signs.

Billboard: A large outdoor advertising structure with any sign face greater than one hundred (100) square feet, typically found in high traffic areas such as alongside busy roads advertising goods or services not necessarily sold where the sign is located.

Digital sign: Plasma display panels (PDPs), liquid crystal displays (LCDs), light emitting diode signs (LEDs), or traditional television (CRTs) being used like signage. Instead of tuning in to a television station, they are showing specially prepared dynamic visual images to make them function like signs.

Signs, Off-Premise: Any outdoor advertising sign which directs attention to a person, business, commodity, industry or other activity which is sold, offered or conducted elsewhere than on the premises on which the sign is located, or which directs persons to any location not on the premises, or which is sold, offered or conducted on such premises only incidentally, if at all. The term shall include all structures of whatever material which are erected, maintained and established for public display of posters, printed signs, pictures or other pictorial or reading matter.

Signs, On-Premises: Any outdoor advertising sign which directs attention to a person, business, commodity, service, entertainment, industry or activity which is sold, offered or conducted, other than incidentally, on the premises upon which the sign is located.

Signs, On-Premise Real Estate: Signs advertising a parcel of land or building for sale or lease and affixed to the subject building or land.

Signs, Outdoor Advertising: Any arrangement of letters, figures, symbols or other devices used for advertising, announcements, direction or declaration intended to attract or inform the public, whether such signs are affixed to a building or structure or free standing, whether anchored or not anchored to foundations, paving or other structures, and outside the weather surface of any enclosed building.

Sign Size: The area of the display area expressed in square feet.

Sign Structure: The supports, uprights, bracing and structural framework of any outdoor advertising sign.

Signs, Temporary: Signs falling in, but not limited to, the following categories shall be interpreted as temporary signs: Those advertising community events, grand openings, garage sales, of any size and when constructed of fabric or flexible plastic film; banners and flags; any sign, six (6) square feet or less in area, intended to be easily removable or intended to be erected at successive locations; and on-premise real estate signs six (6) square feet or less per face in area (intended to sell, lease or rent the property to which such real estate sign is affixed).

Signs, Permanent: All signs greater than six (6) square feet per face in area, including on-premise real estate signs greater than six (6) square feet shall be categorized as permanent signs regardless

of their physical characteristics or original intended purpose and shall conform to all provisions controlling permanent signs.

(c) Other Laws and Ordinances.

Scope of regulations and regulatory bodies: Signs under this Ordinance shall conform to the provisions of the International Building Code, the laws of Texas, and such other Ordinances of the City of La Marque as may apply. These provisions shall govern signs and display structures with respect to location, safety, size, design, construction, erection, attachment, alteration, repair, support, anchorage and maintenance. The Building Official shall have and is given jurisdiction over the erection, construction, location, relocation and structural maintenance of all outdoor advertising signs within the City limits of the City of La Marque, Texas.

(d) General Restrictions.

The following general restrictions shall apply to all signs:

(1) Obstruction by Signs: No person shall erect, construct, suspend or maintain any sign across, over or above any public right-of-way, sidewalk or any portion thereof except banners for public events when approved by the Chief of Police or his designee. No sign shall be erected, constructed or maintained in any manner that obstructs a means of egress, any opening necessary for required light or ventilation, or any access required for fire fighting. No sign shall be erected in a manner that obstructs the safe flow of pedestrian or vehicular traffic. No sign shall be constructed on any exterior yard so as to constitute a hazardous visual obstruction to traffic in any direction.

(2) Vehicular Signs: No sign shall be displayed on or attached to any vehicle that requires a state inspection sticker other than for immediate transfer from or to a permitted location. This subsection shall not be construed as prohibiting the customary commercial or industrial logo, location, phone numbers, identification numbers and slogan carried on the sides of a commercial vehicle and intended for identification. Any vehicle displaying advertising and parked off-premise of the business so advertised, that does not carry a valid state inspection sticker or a valid license and is parked in such a manner as to be conspicuous to the motoring public shall be considered an off-premise sign for the purposes of this Ordinance.

(3) Spectacular Signs: The following restrictions apply to spectacular signs:

A. Signs with flashing, glaring, strobe, chasing, rotating or blinking lights shall be prohibited.

B. Signs which interfere with the safe operation of motor vehicles by the nature of their design or the manner of their operation are prohibited.

C. Automatically changeable advertising shall be limited to no more than one (1) message every eight (8) seconds.

D. Signs which alternately display time and temperature shall conform to standard industry design for such signs. The message shall not change in less than a ten-second interval.

E. Digital signs, with display areas of less than one hundred (100) square feet, shall not change message in less than a five-minute interval.

F. All spectacular signs shall be placed parallel to the roadway with a deviation of not greater than twenty (20) degrees with the exception of:

(i) Automatically changeable advertising,

(ii) Signs which alternatively display time and temperature.

(4) Signs Confusingly Similar to Traffic-Controlled Devices: No sign confusingly similar to a traffic control sign or device shall be placed in the view of any street or thoroughfare. The words "stop," "danger," "yield" and similar words, phrases and symbols that may interfere with, mislead or confuse vehicular traffic are also prohibited.

(5) Sign Illumination: Only internal, direct, indirect, diffuse or neon lighting shall be permitted.

(6) Exemption from Building Setback Restriction: Signs permitted under this Ordinance shall be exempted from the setback restrictions imposed by the Zoning Ordinances.

(7) Signs Prohibited on Easements and Right-of-ways: No signs shall be placed on or over any public right-of-way, water, sewer or drainage easements except signs erected by the Texas Highway Department, Galveston County, the City of La Marque and signs identifying underground pipeline structures. No signs in this category shall be allowed to maintain a pre-existing nonconforming status.

(8) Signs Prohibited on Public Property: No signs shall be placed, posted or displayed or otherwise attached upon any street lamp post, street sign, traffic sign or signal, hydrant, tree, shrub, fence or utility pole.

(9) Re-inspection: Signs shall be subjected to a re-inspection. The sign face shall be kept in good repair. If portions of the sign face or structure are incomplete or missing, and upon notice to the permit holder, the sign face is not repaired within a period of thirty (30) days or if a structural defect exists and is not repaired within fifteen (15) days from notice, the sign shall be considered to be an abandoned sign.

(10) Emergency Abandonment: When a sign has been found to have structural design flaws or to have structural defects constituting a clear and immediate threat to the public or to adjacent property owners, the Code Enforcement Officer shall take action to secure or dismantle the threatening sign at City expense and to charge the owner such cost. A first lien can be secured against the property owner for nonpayment.

(11) Temporary Sign Removal: Temporary signs shall be removed within twenty-four (24) hours after the event advertised.

(12) Sign lettering: Professional even lettering with clearly legible font styles is required on all permanent or temporary signs within the City of La Marque.

(13) Sign design and color: The design of all signs shall be unobtrusive and of a design, material and color that blend harmoniously with the natural surroundings, and the scale of neighboring architecture.

Predominant color design shall be compatible and traditional historic colors, earth tones (greens, tans, light browns and terracotta), grays, pale primary and secondary colors, white and cream tones. Accent color design (i.e., black, dark blue, grays and other primary colors) may be used on a limited basis.

(e) Categorizing of All Signs.

The Building Official shall categorize all signs into either on-premise or off-premise sign categories. Once so categorized, the sign thereafter shall be judged according to the applicable limitations as set forth hereafter.

(f) On-Premise.

(1) Permanent On-Premise Signs: All signs in this category with a combined sign structure and display area over thirty-two (32) square feet shall be anchored against up-lift and overturning resulting from winds of not less than one hundred twenty (120) miles per hour. Such signs of this size shall also have construction plans designed and certified by a qualified engineer. Sign standards shall be in conformance with restrictions set out elsewhere in this Ordinance.

(2) Temporary On-Premise Signs: The following restrictions are placed on temporary signs:

A. Temporary signs shall be secured against dislodgment by wind.

B. Temporary signs, including portable signs, shall be removed after the event they advertise has passed or thirty (30) days, whichever is the lesser.

C. Temporary signs shall be removed when faded or otherwise deteriorated.

D. Only one (1) construction sign is permitted per general construction permit. Construction signs shall be considered on-premise signs when placed on the construction site.

E. Temporary signs shall not be erected on public property and equipment, rights-of-way, utility poles and equipment, traffic control signs, and on other property of the foregoing nature.

F. Portable signs shall not exceed thirty-two (32) square feet per sign face with a limit of two (2) sign faces.

(3) Political Signs: A political sign is a sign that contains a primarily political message. Such signs are allowed subject to the following regulations:

A. Political signs may be placed only on private property and only with the property owner's permission.

(i) All written political signs meant to be seen from a road must carry a "right-of-way" notice as prescribed by Texas Election Code Section 255.007:

"NOTICE: IT IS A VIOLATION OF STATE LAW (CHAPTERS 392 AND 393, TRANSPORTATION CODE) TO PLACE THIS SIGN IN THE RIGHT-OF-WAY OF A HIGHWAY."

B. Political signs shall not exceed eight (8) feet in height.

C. Political signs shall not have an effective area greater than thirty-six (36) square feet.

D. Political signs cannot be artificially illuminated.

E. Political signs shall not have any moving elements.

F. No permit is required to place a political sign on private property.

G. Signs placed on public property or the public right-of-way are subject to immediate removal.

(g) Off-Premise.

(1) Permanent Off-Premise Signs: Effective on the date of passage of this Article, no new permanent off-premise signs shall be erected or re-erected within the City limits of the City of La Marque except as provided for in this Article or as installed by the City of La Marque. This provision does not prohibit the ordinary maintenance or the conversion to digital billboards, to such previously erected signs, but such signs shall otherwise not be improved nor enlarged. Excluding Digital Billboards, if a sign is fifty (50) percent or more destroyed, as determined by the Building Official, it shall be removed by the owner and not re-erected.

(2) Temporary Off-Premise Signs: No temporary off-premise signs shall be erected within the City of La Marque.

(3) Billboards: All billboard signs are prohibited. This provision does not prohibit the ordinary maintenance of such previously erected signs during the amortization schedule for removal, but

such signs shall not be improved nor enlarged. Excluding billboard signs constructed or reconstructed in conformance with this ordinance and through a Digital Billboard Conversion Agreement, if a billboard sign is fifty (50) percent or more destroyed, as determined by the Building Official, it shall be removed by the owner and not re-erected.

A. Notwithstanding any other provision of this article, an existing off-premise billboard may be converted to a digital billboard sign subject to the provisions of this Section. Only a billboard sign constructed or reconstructed in conformance with this ordinance and a Digital Billboard Conversion Agreement will be considered a conforming sign and all requirements of this Section are met.

Digital Billboard means an off-premise sign utilizing digital message technology, capable of changing the static message or copy on the sign electronically. A Digital Billboard may be internally or externally illuminated. Digital Billboards shall contain static messages only, and shall not have animation, movement, or the appearance or optical illusion of movement, of any part of the sign structure, design, or pictorial segment of the sign. Each static message shall not include blinking, flashing, scintillating lighting or the varying of light intensity.

Digital Billboard Conversion Agreement: An existing traditional face off-premise billboard sign may be modified to support an electronic face(s) as a digital billboard if the owner presents the City Manager with pictorial proof and a sworn affidavit evidencing the removal of at least two (2) square feet of traditional face from within the city for every one (1) square foot of digital face display area to be erected. (Example: for a 576 sq. ft. digital face, an owner would have to remove at least 1,152 sq. ft. of existing traditional sign face area.) The removal of the face of which the digital face will replace does not count toward the removal total. Prior to issuance of a building permit the City Manager or their designee must approve a Digital Billboard Conversion Agreement which outlines which static billboards are being removed and the location and the dimensions of the digital billboards being constructed.

The owner of an existing off-premises billboard sign may replace any or all the structural components necessary to support a digital face(s). The sign structure that is modified or replaced:

1. Shall not increase the number of physical faces on the structure.
2. Shall not have a digital face with an active copy area that exceeds five hundred eighty (580) square feet or has an active copy area greater than the original sign face.
3. Shall obtain all necessary electrical permits from the City.
4. Must comply with all State Regulations. If there is any conflict between State and City Regulations, the more restrictive shall apply.

The owner of an off-premises digital sign(s) shall coordinate with local authorities to display, when appropriate, emergency information important to the traveling public such as Amber Alerts, alerts concerning terrorist attacks, natural disasters or as authorized by the Office of

Emergency Management. Emergency information messages shall remain in the advertising rotation according to the protocols of the agency that issues the information. The owner of an off-premise digital sign(s) shall also coordinate with the City of La Marque to display community information for 0.005 percent of the annual display time. At least fifty (50) percent of the Community information will be displayed during peak times.

B. Digital billboard requirements:

1. Maximum Display Area: Five hundred eighty (580) square feet, or the active copy area shall not be greater than the original sign face.
2. Maximum Height: Thirty-five (35) feet.
3. Location: Must maintain a one thousand-foot separation from other billboards, as measured along the same side of the road the sign is designed to be visible from and setback a minimum of five hundred (500) feet from a platted residential area, at the time the digital billboard is permitted.
4. Dwell Time: Messages shall remain static for at least eight (8) seconds and change message shall be accomplished within two (2) seconds.
5. Display: No display shall include animation, full motion video, dissolving or fading images, moving light, scrolling images or text, nor shall it project a static image upon a stationary object.
6. Change of Message: Must occur simultaneously on the entire sign.
7. Brightness: Limited to 0.3 foot candles over ambient light conditions measured at a distance of one hundred fifty (150) feet from the sign for a nominal size twelve-foot by twenty-five-foot (12' x 25') sign face.
8. Malfunction: Sign shall contain a default mechanism built in to either turn off the display or show "full black" or company logo only on the display if a malfunction occurs.
9. Automatic Dimmer: Sign face shall be equipped with both a dimmer control and photocell that automatically adjusts the face's intensity according to natural ambient light conditions.
10. Windstorm requirement: All signs in this category shall be certified by a qualified engineer as anchored against up-lift and overturning resulting from winds of not less than one hundred twenty (120) miles per hour.

(h) Sign Permits.

(1) General Permit Requirements: Any person desiring to erect or alter any regulated sign within the City of La Marque shall make application for a permit to the Building Official of the City of

La Marque. The application fee is due at the time of the permit application is submitted.

(2) Applications shall be in writing and the initial application shall be accompanied by a sketch of the sign to be erected showing dimensions and structural details and a description of the property upon which the sign is to be located, together with a statement and plot plan describing the location of the sign upon said property, in addition to all existing signs maintained on the premises and visible from the right-of-way.

(3) The written consent of the property owner where the sign is to be erected shall also be submitted to the Building Official.

(4) All signs erected before the enabling of this Ordinance which do not meet the regulations herein contained, shall be registered with the City as pre-existing, nonconforming signs. It is the intent of this Section of the Ordinance to permit such nonconforming signs to continue until the same are removed, but not to encourage their survival.

(5) Sign permit fees shall be established by separate Council resolution.

(i) Nonconforming and Abandoned Signs.

(1) Enlargement Prohibited: Except as herein provided, no nonconforming sign shall be enlarged, changed, altered, or repaired except in conformity with the regulations contained in this Article.

(2) Nonconformance Status: Any sign which does not conform to the regulations contained in the zoning district in which it is located is deemed to be a legal nonconforming sign when:

A. The sign was in existence and lawfully operating at the time of the passage of this Ordinance, and has since been in regular and continuous use; or

B. The sign was in existence at the time of annexation to the City of La Marque and has since been in regular and continuous use.

(3) Continuing Lawful Use of Sign:

A. The lawful use of a sign existing at the time of the passage of this Ordinance, although it does not conform to the provisions herein, may be continued until termination is required in accordance with the provisions of this Article. During the period between designation as a nonconforming sign and notification of a prescribed termination date, if discontinuance occurs, any future sign must be in conformity with the general provisions of this Ordinance.

B. A legal nonconforming sign, when discontinued or abandoned, cannot be resumed. Prima facie evidence of continuance or abandonment is as follows:

(i) When land associated with a legal nonconforming sign ceases to be used in such

described by the sign a manner for a period of ninety (90) days.

(ii) When a business housed in a structure associated with a nonconforming sign ceases to be used in such a manner described by the sign for a period of ninety (90) days.

C. Abandonment of a nonconforming sign shall be determined by the Code Enforcement Officer.

(4) Removal of Abandoned Signs: Abandoned signs shall be removed at the discretion of the City Manager and/or his or her designee. If not removed by owners or occupants of the property within ten (10) days of notice, the City Manager and/or his or her designee shall cause the signs to be otherwise removed and the cost of removal shall become a lien against the property until satisfied.

(5) Proof of Legal Nonconformance: It shall be the responsibility of the owner, operator, or occupant to provide proof that a nonconforming sign existed prior to the enactment of this Ordinance.

(6) Restoration of Damaged Sign: Nothing in this Article shall prevent the restoration of a sign destroyed to the extent of not more than fifty (50) percent of its reasonable value by fire, explosion, or other casualty or Act of God, or a public enemy, nor the continued use of such a sign which existed at the time of such destruction. However, the preceding allowance for the restoration of damaged nonconforming sign has no bearing on an approved amortization schedule for the termination of nonconformance as described in this Article.

(7) Survey and Certification: The Code Enforcement Officer is responsible for the production of an annual survey and report on the status of signs in nonconformance in La Marque. The Officer's report shall be sent to the Planning and Zoning Commission at its first regular meeting of the official municipal year. The Commission shall review the report and shall approve or reject the certification of each sign that the Officer has identified as being nonconforming. Once certified by the Commission as nonconforming, a sign shall be given an alpha-numeric designation for future reference. Upon receipt of the approved certified report from the Commission, the Officer shall notify each tenant and property owner of such nonconforming sign status.

(8) Amortization of Nonconforming Signs:

A. Responsibility of the Board of Adjustment: It shall be the responsibility of the Board of Adjustment to provide a program for the orderly and fair termination of all nonconforming signs in La Marque. The board shall cooperate with the Code Enforcement Officer in reviewing the status of certified nonconforming signs for amortization scheduling and termination.

B. Public Hearing Required: Prior to the establishment of an amortization schedule for a nonconforming sign, the Board of Adjustment shall hold a public hearing. Notice of the hearing

shall be given in written form to the tenant and owner of the certified nonconforming sign and shall be published in a newspaper of general circulation in La Marque. The notice shall state the time and the place of the hearing. The notice shall appear in said newspaper at least fifteen (15) days prior to the date set for the public hearing.

C. Factors to be used by the Board of Adjustment in Amortization Scheduling: In determining the amortization schedule for the termination of a certified nonconforming sign, the Board of Adjustment shall consider the following factors:

(i) The length of time required for the user or owner of the sign to amortize his/her capital investment.

(ii) The general condition of the sign.

(iii) The length of time that the sign has been used.

(iv) The land use activities surrounding the sign in question.

D. Notification and Recordation: The Board of Adjustment shall send a copy of all approved amortization schedules for the termination of nonconforming signs to the owners and lessees of affected sites. The termination date and the reasons for the schedule term shall be clearly described in the notification. The Code Enforcement Officer shall keep a permanent record of all amortization schedules for nonconforming signs for the City.

E. Violation of an Amortization Schedule: The failure of an owner or a tenant of a certified nonconforming sign to comply with the termination date of a recorded amortization schedule shall constitute a violation of this Ordinance and shall be punishable in accordance with the terms of Article 13, of this Ordinance.”

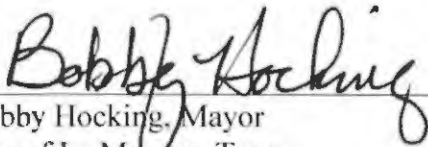
F. Savings and Repealing Clause. All provisions of any Ordinance in conflict with this Ordinance are hereby repealed, but such repeal shall not abate any pending prosecution for violation of the repealed Ordinance, nor shall the repeal prevent a prosecution from being commenced for any violation if occurring prior to the repeal of the Ordinance. Any remaining portions of said Ordinances shall remain in full force and effect.

G. Penalty Provision. Any person, firm, corporation or business entity violating this Ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined an amount not less than fifty and not more than two hundred dollars. Each unlawful act or continuing day’s violation under this Ordinance shall constitute a separate offense. The penal provisions imposed under this Ordinance shall not preclude La Marque from filing suit to enjoin the violation. La Marque retains all legal rights and remedies available to it pursuant to local, state and federal law.

PASSED AND APPROVED by the City Council of the City of La Marque on the First reading this the 8th day of August, 2016.

PASSED, APPROVED AND ADOPTED by the City Council of the City of La Marque on the Second and Final reading this the 19th day of September, 2016.

CITY OF LA MARQUE, TEXAS



Bobby Hocking, Mayor
City of La Marque, Texas

ATTEST:



Robin Eldridge, City Clerk

APPROVED AS TO FORM:



Ellis J. Ortego, City Attorney

ORDINANCE NO. O-2018-001

AN ORDINANCE OF THE CITY OF LA MARQUE, TEXAS, AMENDING CHAPTER 71, ZONING, SECTION 71-28, OUTDOOR ADVERTISING SIGN REGULATIONS, SUBSECTION (g), OFF-PREMISE, PARAGRAPH (3), BILLBOARDS, SUBPARAGRAPH B., DIGITAL BILLBOARD REQUIREMENTS, ITEM NO. 1., MAXIMUM DISPLAY AREA, AND ITEM NO. 2., MAXIMUM HEIGHT, TO CHANGE THE MAXIMUM FACE SIZE AND HEIGHT SIZE REQUIRMENTS FOR DIGITAL BILLBOARDS, AND PROVIDING FOR A SAVINGS AND REPEALING CLAUSE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LA MARQUE, TEXAS:

SECTION ONE:

That Chapter 71, Zoning, Section 71-28, Outdoor Advertising Sign Regulations, Subsection (g), Off-Premise, Paragraph (3), Billboards, Subparagraph B., Digital Billboard Requirements, Items No. 1 and 2 are hereby amended to read as follows:

“B. Digital billboard requirements:

1. Maximum Display Area: Six Hundred Seventy Two (672) square feet, or the active copy area shall not be greater than the original sign face.
2. Maximum Height: Fifty (50) feet.”

SECTION TWO:

Savings and Repealing Clause. 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 Ordinances shall remain in full force and effect.

PASSED AND APPROVED by the City Council of the City of La Marque on the first reading this **8th** day of **January**, 2018.

PASSED, APPROVED AND ADOPTED by the City Council of the City of La Marque on the Second and Final reading this the 12th day of February, 2018.



CITY OF LAMARQUE, TEXAS

Bobby Hocking
Bobby Hocking, Mayor
City of La Marque, Texas

ATTEST:

Robin Eldridge
Robin Eldridge, City Clerk

APPROVED AS TO FORM:

Ellis J. Ortego
Ellis J. Ortego, City Attorney

ORDINANCE NUMBER 336

AN ORDINANCE WHICH PROVIDES THAT NOT LESS THAN THREE THOUSAND DOLLARS OF THE ASSESSED VALUE OF RESIDENCE HOMESTEADS OF ALL PERSONS SIXTY-FIVE YEARS OF AGE OR OLDER BE EXEMPTED FROM AD VALOREM TAXES UNDER CERTAIN CONDITIONS; AND PROVIDING THE EFFECTIVE DATE HEREOF.

WHEREAS, Article VIII, Section 1-b of the Texas Constitution provides that from and after January 1, 1973, political subdivisions of the State may exempt not less than Three Thousand (\$3,000.00) Dollars of the value of residence homesteads of all persons sixty-five (65) years of age or older from ad valorem taxes under certain conditions;

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

Section 1. From and after January 1, 1973, and until this Ordinance shall have been amended or repealed, Three Thousand (\$3,000.00) Dollars of the assessed value of residence homesteads of persons who have attained the age of sixty-five (65) years or older as of January 1st of each taxable year shall be exempt from all taxation for all city purposes; provided, however, that where the ad valorem tax has heretofore been pledged for the payment of any debt, the taxing officers of the City shall have authority to continue to levy and collect the tax against the homestead property at the same rate as the tax so pledged until the debt is discharged, if the cessation of the levy would impair the obligation of the contract by which the debt was created.

Section 2. In order to secure the benefit of the exemption, the owner shall, between January 1st and April 1st of each year, file with the City Tax Assessor and Collector a sworn inventory of such property owned on January 1st of each year for which the exemption is claimed, and shall initially furnish proof of age

ORDINANCE NUMBER 451

AN ORDINANCE AMENDING SECTION 17-2 OF THE CITY CODE OF ORDINANCES ENTITLED "HOMESTEAD EXEMPTION FOR AGED" BY INCREASING THE EXEMPTION.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LA MARQUE, TEXAS:

THAT Section 17-2 of the City Code of Ordinances entitled "Homestead Exemption for the aged", paragraph (a) is hereby amended to hereafter read as follows:

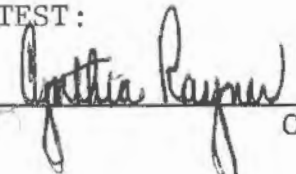
Section 17-2. Homestead exemption for aged.

(a) From and after January 1, 1978, and until this section shall have been amended or repealed, seven thousand dollars (\$7,000.00) of the assessed value of residence homesteads of persons who have attained the age of sixty-five (65) years or older as of January 1st of each taxable year shall be exempt from all taxation for all city purposes; provided, however, that where the ad valorem tax has heretofore been pledged for the payment of any debt, the taxing officers of the city shall have authority to continue to levy and collect the tax against the homestead property at the same rate as the tax so pledged until the debt is discharged, if the cessation of the levy would impair the obligation of the contract by which the debt was created.

PASSED AND APPROVED on First Reading this 27th day of November, 1978.

PASSED AND APPROVED on Second and Final Reading this 11th day of December, 1978.


HAROLD K. CHOATE, Mayor

ATTEST:

Cynthia Rayner
City Clerk

ORDINANCE NO. O-2014-008

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LA MARQUE, TEXAS, AMENDING SECTION 41-210 AND SECTION 71-4 OF THE CODE OF ORDINANCES CITY OF LA MARQUE, TEXAS, TO ADD DEFINITIONS OF APPROVED FENCE MATERIALS AND SCREENING FENCE OR BLIND FENCE; AMENDING SECTION 41-211 OF THE CODE OF ORDINANCES, CITY OF LA MARQUE, TEXAS, TO PROHIBIT SCREENING FENCES OR BLIND FENCES IN FRONT YARDS; AMENDING SECTION 71-21(3) a. AND b., OF THE CODE OF ORDINANCES, CITY OF LA MARQUE, TEXAS, TO INCREASE THE MAXIMUM HEIGHT OF SCREENING ELEMENTS AND FENCES FOR RESIDENTIAL DISTRICTS FROM SIX FEET TO SEVEN FEET AND THE MAXIMUM HEIGHT OF SCREENING ELEMENTS AND FENCES FOR NONRESIDENTIAL USES IN RESIDENTIAL DISTRICTS FROM EIGHT FEET TO TWELVE FEET; AMENDING SECTION 71-21(3) BY ADDING A NEW SUBSECTION c. TO PROHIBIT SCREENING FENCES OR BLIND FENCES IN FRONT YARDS; AND PROVIDING FOR A SEVERABILITY CLAUSE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LA MARQUE, TEXAS:

SECTION 1.

That Section 41-210 of the Code of Ordinances, City of La Marque, Texas is hereby amended to add the following definitions:

“Approved fence materials means a material normally manufactured as, used as, and recognized as, fencing materials such as wrought iron, or other decorative metals suitable for the construction of fences, fired masonry, concrete, stone, chain link, metal tubing, wood planks, and vinyl or fiberglass composite. Fence materials must also be materials approved for exterior use and are weather and decay-resistant.

Screening fence or blind fence means a fence that screens from view the interior of a property so that the visibility through the fence is prevented from the exterior side of the fence.”

SECTION 2.

That Section 71-4 of the code of Ordinances, City of La Marque, Texas, is hereby amended to add the following definitions:

“Approved fence materials means a material normally manufactured as, used as, and recognized as, fencing materials such as wrought iron, or other decorative metals suitable for the construction of fences, fired masonry, concrete, stone, chain link, metal tubing, wood planks, and vinyl or fiberglass composite. Fence materials must also be materials approved for exterior use and are weather and decay-resistant.

Screening fence or blind fence means a fence that screens from view the interior of a property so that the visibility through the fence is prevented from the exterior side of the fence.”

SECTION 3.

That Section 41-211 of the Code of Ordinances of the City of La Marque, Texas, is hereby amended by adding a subsection j. which said subsection reads as follows:

“j. Screening fences or blind fences shall be prohibited in front yards.”

SECTION 4.

That Section 71-21(3) a. of the Code or Ordinances, City of La Marque, Texas, is hereby amended to read as follows:

“a. Screening elements and fences shall be restricted to a maximum height of seven feet, measured from the adjacent grade line, except as otherwise allowed.”

SECTION 5.

That Section 71-21(3) b. of the Code of Ordinances, City of La Marque, Texas, is hereby amended to read as follows:

“b. Nonresidential uses in a residential district shall be suitably screened from view, to a height not less than six feet or more than twelve feet of any adjacent residential lot or dwelling use along the side and rear property lines of such nonresidential use. Said screening requirements shall not be mandatory for public schools, parks or churches, except where a parking lot or active outdoor intensive use area (such as a playground) is adjacent to a residential lot or dwelling. Parking lot screening need not be more than 3½ feet in height. Off-street loading areas of any nonresidential use shall be adequately screened from view of any residential dwelling or lot or of any other adjacent public or semi-public land use.”

SECTION 6.

That Section 71-21(3) of the Code of Ordinances, is hereby amended to add a new subsection c. which said subsection reads as follows:

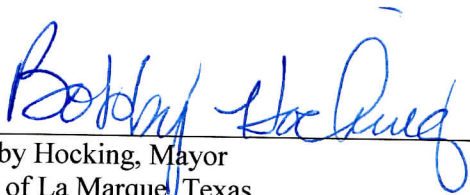
“c. Screening fences or blind fences shall be prohibited in front yards.”

SECTION 7.

In the event any clause, phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of La Marque, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, whether there be one or more parts.

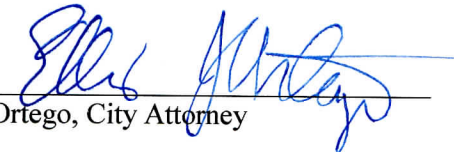
PASSED AND APPROVED on first reading this 10th day of March, 2014.

PASSED AND APPROVED on second and final reading this the 24th day of March, 2014.



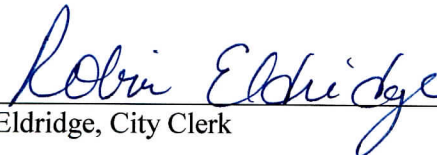
Bobby Hocking, Mayor
City of La Marque, Texas

APPROVED AS TO FORM:



Ellis J. Ortega, City Attorney

ATTEST:



Robin Eldridge, City Clerk