

ORDINANCE NO. 2016-22

AN ORDINANCE AMENDING SECTION 3.628 "APPEALS" OF ARTICLE 3.600 "SIGNS" OF THE BRIDGEPORT CODE OF ORDINANCES OF THE CITY OF BRIDGEPORT, TEXAS TO PROVIDE FOR AN APPEAL AND VARIANCE PROCEDURE WITH CRITERIA; PROVIDING THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING A SAVINGS CLAUSE; PROVIDING A PENALTY CLAUSE; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Bridgeport is a home rule city acting under its charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code; and

WHEREAS, the City Council finds it necessary to amend Section 3.628 of the City Code of Ordinances to provide for an appeal and variance procedure relating to the sign regulations.

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

SECTION 1.

That Section 3.628 "Appeals" of Article 3.600 "Signs" of the Bridgeport Code of Ordinances is hereby amended to read as follows:

"Sec. 3.628 Appeals and Variances

(a) Appeals

A person aggrieved by any decision rendered by the building inspector under this article may appeal to the City Council. The appeal must be received within 10 days after the placement of a letter of notification from the building inspector in the U.S. mail addressed to the owner of the sign. The appeal shall be filed in writing with the City (Administrator/Secretary) and must specify the grounds on which the appeal is based. The City Council shall review the appeal at a City Council meeting as soon as practical, but not later than 30 days from receipt of the appeal. The decision by the City Council is final.

(b) Variances

(1) The City Council may authorize a variance to any regulation established in this article, including, but not limited to the number, type, area, height, material,

construction, or any other aspect involved in the sign permitting process. In granting a variance, the City Council shall consider the following:

(A) Special conditions exist which are peculiar to the land, structure or building involved and are not applicable to other lands, building, or structures in the same vicinity. The City may attach such conditions to granting all or a portion of any variance necessary to achieve the purpose of this article, and;

(B) The strict interpretation of the provisions of the article would deprive the applicant of rights commonly enjoyed by other properties in the vicinity under the terms of this article, and;

(C) The special conditions and circumstances do not result from the actions of the applicant and such conditions and circumstances do not merely constitute monetary hardship or inconvenience, and;

(D) Granting the variance will meet the objectives of this article and not injure the adjoining property owners or be detrimental to the public welfare, and;

(E) The request will be the minimum variance necessary to alleviate the special hardship or practical difficulties faced by the applicant in meeting the requirements of this article, and;

(F) Granting the variance will be in harmony with the spirit and purpose of this article.

(2) A person may request a variance from this article by filing a request with the building inspector. A person wishing to request a variance shall submit a completed application form that includes:

(A) A description of the requested variance, and an explanation of why it should be granted;

(B) A description of how the variance is consistent with the goals and purposes of this article;

(C) If a location variance, a site plan of the property visually depicting the requested variance, or if a design or size variance, a graphic depiction of the proposed sign; and

(D) A non-refundable filing fee in accordance with the City fee schedule.

(3) Notice of the variance hearing shall be by posting on the agenda for the City Council in compliance with applicable law.

(4) In granting a variance, the City Council may impose such conditions as will reasonably accomplish the purposes of this article.”

SECTION 2.

This ordinance shall be cumulative of all provisions of ordinances and of the Code of Ordinances of the City of Bridgeport, Texas, as amended, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances and such Code, in which event the conflicting provisions of such ordinances and such Code are hereby repealed.

SECTION 3.

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs, and sections of this ordinance are severable, and if a phrase, clause, sentence, paragraph, or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality shall not effect the remaining phrases, clauses, sentences, paragraphs, and sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of the unconstitutional phrase, clause, sentence, paragraph, or section.

SECTION 4.

All rights and remedies of the City of Bridgeport are expressly saved as to any and all violations of the provisions of any ordinances governing signs as of the effective date of this ordinance; and any accrued violations, or pending litigation, both civil and criminal, whether pending in court or not under such ordinances, shall not be affected by this ordinance but may be prosecuted until final disposition by the courts.

SECTION 5.

Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this ordinance shall be fined not more than Two Thousand Dollars (\$2,000.00) for each offense involving fire safety, zoning or public health and sanitation, and shall be fined not more than Five Hundred Dollars (\$500.00) for all other violations of this ordinance. Each day that a violation is permitted to exist shall constitute a separate offense.

SECTION 6.

The City Secretary of the City of Bridgeport is hereby directed to publish a descriptive caption, penalty clause, and the effective date clause in the official City

newspaper one time as authorized by Section 52.013 of the Texas Local Government Code.

SECTION 7.

This ordinance shall be in full force and effect from and after its passage and publication as required by law, and it is so ordained.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF BRIDGEPORT, TEXAS, BY A VOTE OF 5 TO 0, ON THIS THE 13 DAY OF June, 2016.

APPROVED:

Randy Singleton

Randy Singleton, Mayor

ATTEST:

Erika McComis

Erika McComis, City Secretary

