

City of Houston, Texas, Ordinance No. 2010- 69

AN ORDINANCE AMENDING SECTION 4608 OF CHAPTER 46 OF THE BUILDING CODE OF THE CITY OF HOUSTON, TEXAS, THE HOUSTON SIGN CODE, TO AUTHORIZE TEMPORARY SIGNAGE FOR BUSINESSES ADJACENT TO LIGHT RAIL CONSTRUCTION PROJECTS; CONTAINING FINDINGS AND OTHER PROVISIONS RELATING TO THE FOREGOING SUBJECT; PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.

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WHEREAS, the Metropolitan Transit Authority of Harris County ("METRO") has plans to construct additional light rail corridors in the City; and

WHEREAS, as a green city, the City encourages the development and use of mass transit options, including light rail transportation; and

WHEREAS, the City also recognizes that due to the nature of light rail operation, light rail construction projects are much more complex and time-consuming than road construction projects; and

WHEREAS, as light rail service in the City continues to expand to new areas, more businesses will be affected by the construction of the additional light rail corridors; and

WHEREAS, officials of METRO have requested the City to authorize additional temporary signage for businesses adjacent to ongoing METRO light rail construction projects; and

WHEREAS, City Council has determined to amend Chapter 46 of the Building Code of the City of Houston, Texas, the Houston Sign Code, to permit, in addition to the on-premise signs already displayed by businesses located adjacent to current or future light rail construction, the use of temporary on-premise banners by such businesses to advertise their services while light rail construction is ongoing; **NOW, THEREFORE**,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HOUSTON, TEXAS:

Section 1. That the findings contained in the preamble of this Ordinance are determined to be true and correct and are hereby adopted as a part of this Ordinance.

Section 2. That Section 4608 of the Houston Sign Code is hereby amended by adding subsection (q) to read as follows:

"(q) Temporary Banners for Businesses Adjacent to Light Rail Construction Projects. In addition to the on-premise signs authorized under Section 4611(b)(1) of this chapter, a permit may be issued in accordance with Section 4605 hereof and in accordance with this subsection for temporary on-premise banners for businesses immediately adjacent to a light rail construction project. Each such temporary banner must otherwise comply with the requirements of this chapter for on-premise signs, provided that said banner may not exceed four feet by eight feet in size and must at all times be securely attached to and maintained flush with an exterior wall of the business. Only one such temporary banner may be authorized per business at any time during an ongoing light rail construction project immediately adjacent to the business. A temporary banner may be displayed at all times during a display period for which a permit has been issued. Each such display period shall last until the light rail construction project is accepted by the City, and shall require the issuance of a separate permit and the payment of appropriate site inspection, plan exam, construction permit, and administration fees as set forth in Section 117 of this Code. As part of the permitting process, the applicant shall provide the City a mailing address and an email address for notice that the project has been accepted by the City and the temporary banner sign must be removed. Such notice may be forwarded by the City by regular mail or email to the address provided by the applicant, and the City may presume delivery of such notice to the address provided by the applicant, such that within five (5) days following the posting or sending of such notice the temporary banner sign shall be removed. It shall be the responsibility of the applicant to maintain a current address with the City. Failure to timely remove the temporary banner sign shall be a violation of this ordinance."

Section 3. That, if any provision, section, subsection, sentence, clause, or phrase of this Ordinance, or the application of same to any person or set of circumstances, is for any reason held to be unconstitutional, void or invalid, the validity of the remaining portions of this Ordinance or their application to other persons or sets of circumstances shall not be affected thereby, it being the intent of the City Council in adopting this Ordinance that no portion hereof or provision or regulation contained herein shall become inoperative or fail by reason of any unconstitutionality, voidness or

invalidity of any other portion hereof, and all provisions of this Ordinance are declared to be severable for that purpose.

Section 4. That there exists a public emergency requiring that this Ordinance be passed finally on the date of its introduction as requested in writing by the Mayor; therefore, this Ordinance shall be passed finally on such date and shall take effect immediately upon its passage and approval by the Mayor; however, in the event that the Mayor fails to sign this Ordinance within five days after its passage and adoption, it shall take effect in accordance with Article VI, Section 6, Houston City Charter.

PASSED AND ADOPTED this 27th day of January, 2010.

APPROVED this 27th day of January, 2010.



Mayor of the City of Houston

PROTEM

Pursuant to Article VI, Section 6, Houston City Charter, the effective date of the foregoing Ordinance is _____.

City Secretary

Prepared by Legal Dept. 
MFC:asw 1/13/2010 Assistant City Attorney
Requested by Michael S. Marcotte, Director, Public Works and Engineering
L.D. File No. 0630900201001 

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01/13/2010 (10:35AM)

CAPTION PUBLISHED IN DAILY COURT
REVIEW
DATE: FEB 02 2010

AYE	NO	
	ABSENT	MAYOR PARKER
••••	••••	COUNCIL MEMBERS
✓		STARDIG
✓		JOHNSON
✓		MAYOR PRO TEM PRESIDENT CLUTTERBUCK
✓		ADAMS
✓		SULLIVAN
✓		HOANG
✓		PENNINGTON
✓		GONZALEZ
✓		RODRIGUEZ
✓		COSTELLO
✓		LOVELL
✓		NORIEGA
✓		BRADFORD
✓		JONES
CAPTION	ADOPTED	