

## Sec. 9-1, Regulations for Solicitation in the City of Terrell Hills

Section 1. General. This Ordinance regulates the time, place and manner for the solicitation of funds and the distribution of handbills. The provisions of this Ordinance, however, **shall not apply to:**

- A. The regular delivery of newspapers, magazines, or other items which have been subscribed to by the persons receiving them or by occupants of the premises to which they are delivered;
- B. The interruption of service notices by utility companies;
- C. The distribution of mail by the United States government;
- D. The service of any lien foreclosure; or
- E. Governmental notices of any character distributed by the City of Terrell Hills or any other governmental entity.
- F. Any exceptions authorized by state law.

### Section 2: Definitions.

- A. The following words and phrases, when used in this Ordinance, shall have the meaning ascribed to them by this Section:
  - 1. *Business day* means any calendar day except Saturday, Sunday or any state or national holiday.
  - 2. *Charitable purpose* shall mean philanthropic, religious or other nonprofit objectives, including the benefit of poor, needy, sick, refugee or handicapped persons; the benefit of any church or religious society, sect, group or order; the benefit of a patriotic or veterans' association or organization; the benefit of any fraternal, social or civil organization, or the benefit of any educational institution. "Charitable purpose" shall not be construed to include the direct benefit of the individual making the solicitation. "Charitable purpose" shall not be construed to include the benefit of any political group or political organization which is subject to financial disclosure under state or federal law.
  - 3. *Consumer* means an individual who seeks or acquires real or personal property, services, money, or credit for personal, family or household purposes.

4. *Consumer transaction* means a sales transaction in which one (1) or more of the parties is a consumer.
5. *Deposit or Depositing a Handbill* means to place, distribute, handout, or circulate any type of handbill.
6. *Handbill, Commercial* means and includes any printed or written matter, any sample or devise, dodger, circular, leaflet, pamphlet, paper, booklet, or any other printed or otherwise reproduced original copies of any matter or literature, which:
  - a. advertises for sale any merchandise, product, commodity, service, or thing;
  - b. directs attention to any business, mercantile, commercial establishment, or other activity for the purpose of either directly or indirectly promoting the interest thereof;
  - c. directs attention or advertises any meeting, theatrical performance, exhibition, group, fundraiser, or other event whether the purpose of directing attention and advertising is for private gain or for raising funds for a charitable purpose; or
  - d. contains information that is of a noncommercial nature, but remains predominantly and essentially an advertisement, and is distributed or circulated for advertisement purposes, for private gain, or for raising funds for a charitable purpose.
7. *Handbill, Noncommercial* means and includes any printed or written matter, any sample or devise, dodger, circular, leaflet, pamphlet, paper, booklet, or any other printed or otherwise reproduced original copies of any matter or literature, pertaining to any speech not included in the definition of commercial handbill. Noncommercial handbills include, but are not limited to, handbills containing exclusively political and religious speech.
8. *Handbill distributor* means and includes any person engaging or engaged in the business for hire or gain of distributing commercial handbills, other than newspapers distributed to subscribers thereof, and any person receiving compensation directly or indirectly for the distribution of such commercial handbills.
9. *Handbill sponsor* means and includes the person, firm, or corporation who is utilizing commercial handbills as a medium of advertising or spreading a

message.

10. *Home solicitation transaction* means: (i) a consumer transaction for the purchase of goods, services, or realty, payable in installments or in cash, in which the merchant engages in a personal solicitation of the sale to the consumer at a residence in person and the consumer's agreement of offer to purchase is given at the residence to the merchant; or (ii) any request for funds made by a person soliciting to the occupant of a residence at a place of residence and the solicitor is unknown to the occupant or owner of the residence at which the request for funds is made. A home solicitation transaction shall not include a sale made pursuant to a preexisting revolving charge account or retail charge agreement, or a sale made pursuant to prior negotiations between the parties at a business establishment at a fixed location where goods or services are offered or exhibited for sale; or a sale where the consumer initiated a request for an appointment for the merchant to send a representative to his or her residence; or a sale of realty which transaction the purchaser is represented by a licensed attorney or in which the transaction is being negotiated by a licensed real estate broker.
11. *Individual or person* shall mean an individual, a person, a group of two (2) or more individuals, a proprietorship, a partnership, a corporation, a limited liability company, an association, or other legal entity.
12. *Job placement activities* means any request, offer, enticement, or action which announces the availability for or of employment or seeks to secure employment. As defined herein, "job placement activities" shall be deemed complete when made whether or not an actual employment relationship is created.
13. *Merchant* means a party to a consumer transaction other than a consumer.
14. *Residence* means any living unit, occupied for residential purposes by one (1) or more persons, contained within any type of building or structure.
15. *Solicit funds or solicitation of funds or solicitation* shall mean any home solicitation transaction; any request for the donation of money, property, or anything of value, or the pledge of a future donation of money, property, or anything of value; or the selling, or offering for sale, or the purchasing, or offering to purchase, of any property, real or personal, tangible or intangible, whether of value or not, including, but not limited to, goods, books, pamphlets, tickets, publications or subscriptions to publications, or taking or attempting to take orders for the future delivery of goods, merchandise, wares, services, or personal property. A solicitation of funds is complete when the solicitation is communicated to any individual then

located within the corporate limit of the City. Expressly excluded from the meaning of “solicit funds” or “solicitation of funds” or “solicitation” is any offers of membership in any organization.

Section 3: Permits Required for Solicitation and Commercial Handbill Distribution.

- A. Except as otherwise provided, a permit is required for an individual to personally, or through an agent or employee:
  - 1. Solicit funds; or
  - 2. Distribute any handbill in or upon another’s property.
- B. A permit is not required for:
  - 1. The solicitation of funds for charitable purposes by a person when such solicitation occurs on premises owned or controlled by the person soliciting funds or with the permission of the person who owns or controls the premises, when previously invited to the premises for the solicitation;
  - 2. The solicitation or distribution of commercial or noncommercial handbills on a public sidewalk designed for pedestrian use as long as the solicitation or distribution does not block the sidewalk for pedestrian use; or
  - 3. The issuance of any announcement or advertisement that charitable solicitation will occur or which announces or advertises an event at which unannounced charitable solicitation will occur.

Section 4: Application for Permit.

- A. Permit application must be submitted in writing to the Terrell Hills Police Department and shall include the following:
  - 1. The name of the person applying, their residence and business addresses and their residence and business telephone numbers.
  - 2. If different from the person applying, the name of the handbill sponsor if the permit is for the purpose of distributing commercial handbills and the name of the merchant if the permit is for the purpose of solicitation.
  - 3. In regards to any handbill sponsor and/or merchant, the following:
    - a. If a natural person, the business and residence addresses and telephone numbers.

- b. If a partnership: (1) the names of all partners; (ii) the name, principal business address; (iii) telephone number of the partnership and the agent for service of process; and (iv) the state of formation.
  - c. If a corporation or limited liability company, the person applying must state: (i) the mailing address and telephone number of the principal place of business and the registered agent; (ii) the mailing address, business location, telephone number and name of the individual in charge of the local office of such entity, if any, (iii) the names of all officers and directors or trustees of such corporation, or of all members (if member managed), managers and officers of such limited liability company; and (iv) the state of incorporation or formation.
  - d. If an association or any other entity, the person applying must state: (i) the mailing address and telephone number of the principal place of business and the agent for process of service; (ii) the names of all members/owners of the association unless they exceed ten (10) in number, in which case the application shall so state and the person registering may alternatively list the names and business addresses and telephone numbers of the officers and directors or trustees of the association; and (iii) if the association is part of a multi-state organization or association, the mailing address and business location of its central office shall be given, in addition to the mailing address and business location of its local office.
  - e. The Terrell Hills Police Department may request satisfactory documentation of an individual's authority to represent the partnership, corporation, association or business entity.
- 4. The names, mailing address, and telephone number of all individuals who will be in direct charge or control of the solicitation of funds or distribution of commercial handbills and responsible for ensuring compliance with this Ordinance.
  - 5. The time period within which the solicitation of funds or distribution of commercial handbills is to be made, giving the date of the beginning of solicitation or distribution, and its concluding date.
  - 6. A description of the methods and means by which the solicitation of funds or distribution of commercial handbills is to be accomplished.
  - 7. The names of other communities in which the applicant has solicited funds

or distributed commercial handbills in the past six (6) months.

8. The nature of merchandise to be sold or offered for sale or the nature of the services to be furnished.
  9. Whether such applicant, upon any such order so obtained, will demand, accept, or receive payment or deposit of money in advance of final delivery.
  10. A statement to the effect that if a permit is granted, such permit will not be used or represented to be an endorsement or approval by the City or any of its officers or employees.
  11. Any other information which Terrell Hills deems necessary for the administration of this Ordinance.
- B. Each applicant shall appear in person and provide proof of identification through submission of a valid driver's license or other valid, official photo identification deemed acceptable by the Terrell Hills Police Department.
  - C. The application must be accompanied by a copy of a valid state sales tax certificate, if applicable.
  - D. Information provided by the applicant in accordance with the provisions of this Ordinance shall be subject to verification by the Terrell Hills Police Department.
  - E. All applications, whether or not permitted is issued, shall be considered public record and shall be available for inspection by members of the public during regular business hours and copies may be obtained at cost in accordance with the Texas Public Information Act. Redactions of personal identification numbers may be required under state law.

Section 5: Permit Fee & Exemptions.

- A. Except as otherwise provided, every application shall be accompanied by a nonrefundable application fee of fifty dollars (\$50.00) to compensate the City for the cost of administering this Ordinance, and such fee will not be refunded if a permit is not issued. No permit provided for by this Ordinance shall be issued until such fee has been paid by the applicant, unless an exemption applies.
- B. The following applicants are not required to pay a permit fee:
  1. Individuals operating under licenses granted by a state agency.

2. A duly authorized, nonprofit, “charitable organization”, as defined in Section 84.003(1) of the Texas Civil Practice and Remedies Code, as it exists or may be amended, and registered as such with the Secretary of State of Texas or the Internal Revenue Service, seeking to use such permit for charitable purposes only. Proof of such registration status must be provided to the City upon application.

Section 6: Permit Issuance, Denial, Duration, and Form.

- A. When an application is filed with the Terrell Hills Police Department, the Terrell Hills Police Department shall review the application.
- B. The Terrell Hills Police Department shall approve the application and issue the permit unless:
  1. the application fails to comply with a provision of this Ordinance;
  2. a pervious permit issued under this Ordinance was revoked within the past twelve months;
  3. the Terrell Hills Police Department determines that the applicant has been convicted of a felony;
  4. the Terrell Hills Police Department determines that the applicant has furnished false information or identification; or
  5. the applicant has a warrant out for their arrest.
- C. The Terrell Hills Police Department shall notify the applicant of their decision to approve or deny a permit application within ten (10) business days of the receipt of the application. Notification of the decision shall be given in writing and either sent via U.S. mail to the applicant’s address as listed on the permit application or delivered to the applicant in person.
- D. If the application was turned in as incomplete, the Terrell Hills Police Department shall not grant or deny the application but shall return the application with an explanation of what additional information/documentation is needed to process the application. The incomplete application and explanation shall be sent within ten (10) business days of the receipt of the application to the applicant’s address as listed on the permit application or it shall be delivered to the applicant in person.
- E. A permit requested under this Section shall be issued for the length of time requested, not to exceed six (6) months.

- F. The City shall prescribe the form of the permit. The permit may contain a photo of the applicant. The following shall be printed prominently on each permit: “The issuance of this permit is not an endorsement by the City of Terrell Hills or any of its officers or employees.” Each permit shall bear a permit number that corresponds with the City’s files containing the application filed by the applicant.

Section 7: Permit Suspension or Revocation.

- A. If a permit holder fails to comply with this Ordinance, the Terrell Hills Police Department will take the following action:
1. For a first offense under this Ordinance, any permit issued hereunder to the offender shall be suspended for a period not to exceed thirty (30) days. The Chief of Police, or his/her designee, shall determine the number of days of the suspension.
  2. For a second offense under this Ordinance within a twelve (12) month period, any permit issued hereunder to the offender shall be revoked, and such offender shall not be eligible to apply for another permit for a period of twelve (12) months from the date of revocation.
- B. If a permit holder is arrested and charged with a felony, the permit shall be suspended until final disposition of the criminal charges.
1. Upon conviction or acceptance of deferred adjudication by the court, the permit shall be revoked.
  2. If the permit holder is found innocent or the charges dismissed, the suspension of the permit shall be lifted.
- C. Upon suspension or revocation the permit holder shall tender the permit to the Terrell Hills Police Department until completion of the suspension or successful appeal of the suspension or revocation.

Section 8: Appeal from Denial, Suspension or Revocation. Should an applicant be denied a permit or have a permit suspended or revoked, he/she may appeal that action to the City Manager by submitting a letter within ten (10) business days of the denial, suspension or revocation. The City Manager, or his/her designee, shall review the appeal at a staff level and make a determination within ten (10) business days of receiving the appeal request and shall have the authority to uphold or reject the action complained of and order that the permit be granted or reinstated. However, should the City Manager uphold the denial, suspension or revocation, he/she shall schedule a hearing before the City Council at a regular or special meeting within thirty (30) days of the denial, unless the applicant



withdraws the appeal in writing. Such hearing shall be an administrative hearing, and adherence to formal rules of evidence shall not be required. The decision of the City Council may be appealed as allowed by law to any court with jurisdiction.

Section 9: Solicitor's and Handbill Distributor's Identification. Each solicitor and handbill distributor shall carry with him/her and produce upon the request of any citizen, city employee, or city official, the following information and identification.

1. The permit issued by the City of Terrell Hills pursuant to this Article;
2. A copy of the valid state sales tax certificate, if applicable; and
3. A valid driver's license or other valid, official photo identification.

Section 10: Solicitation and Distribution.

A. Except as otherwise prohibited, the distribution of any handbill, including noncommercial and commercial handbills may only be distributed by:

1. Handing the noncommercial handbill or commercial handbill directly to the owner, occupant, or any other person then present in or upon such premises;
2. Depositing the noncommercial handbill or commercial handbill in a secure manner to prevent such handbill from being blown or drifting about the premises, except that mailboxes may not be used when prohibited by federal postal laws or regulations.

B. An individual, directly or through an agent or employee, may not:

1. Throw, cast or scatter any commercial handbill or noncommercial handbill, or leave any commercial handbill or noncommercial handbill unattended that is not securely affixed to the place of deposit.
2. Solicit funds or distribute commercial or noncommercial handbills at a place of residence during the following hours unless invited to do so by the occupant or owner of the residence:

Monday – Sunday:	Before 9:00 a.m. After 9:00 p.m.
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3. Solicit funds or distribute commercial handbills after the revocation or expiration of any permit issued or during the suspension of any permit issued, as hereinafter provided.

4. Solicit funds or distribute commercial handbills for a purpose other than what was represented in the application upon which the permit was issued.
5. Represent that the issuance of a permit by the City constitutes an endorsement or approval of the solicitation or distribution by the City or its officers or employees.
6. Distribute any commercial handbill or noncommercial handbill in or up on any premises which are temporarily or continuously uninhabited or vacant.
7. Distribute any commercial handbill or noncommercial handbill upon any premises if requested not to do so by the owner, occupant, or any other person then present in or upon such premises, or if there is placed on such premises in a conspicuous place upon or near the main entrance of the residence or premises, a card as provided in Section 12 (Exhibiting Card Prohibiting Solicitation and Handbills of any Type).
8. Distribute any commercial or noncommercial handbill in any place, under any circumstances, which does not have printed on the cover, front or back thereof, the name, address and telephone number of the handbill sponsor who caused the same to be distributed; provided, however, that in the case of a fictitious person or club, in addition to such fictitious name, the true name and addresses of the owners, managers, or agents for the fictitious person or club sponsoring such commercial handbill shall also appear thereon.
9. Employ, hire, request, direct or cause, directly or indirectly, another person who does not have a permit to distribute commercial handbills or solicit funds within the City.
10. Distribute commercial handbills or solicit funds under the direction of another and not have a supervisor who can arrive at the location where the person is distributing the handbills or soliciting within ten (10) minutes of being requested to appear, by the police or otherwise.
11. Direct someone else to distribute commercial handbills or solicit funds and not provide a supervisor who can arrive at the location where the person is distributing the handbills or soliciting within ten (10) minutes of being requested to appear, by the police or otherwise.
12. Allow a person or use a permit issued in another person's name or to use a permit issued in another person's name.

Section 11:     Exhibiting Card Prohibiting Solicitation and Handbills of Any Type.

- A. A person desiring that no merchant or other person engage in solicitation, a home solicitation transaction, or distribution of commercial handbills, noncommercial handbills at his/her premises shall exhibit, in a conspicuous place upon or near the main entrance to the premises (including but not limited to entrances to: an apartment unit, building or complex; a single- or multi-family residential structure; private sidewalks; a development with private streets; or areas maintained by a property owner's association) a weatherproof card, not less than three (3) inches by four (4) inches in size bearing the words, "no advertisements", "no solicitation", "no trespassing" or "no handbills", to indicate that the occupants of such premises do not desire to be molested or to have their right of privacy disturbed, or to have a handbill of any type left upon the premises. The letters on such cards shall not be less than two-thirds (2/3) of an inch in height.
- B. Every person upon going onto any premises shall first examine the premises to determine if any notice prohibiting soliciting or distribution of commercial handbill or noncommercial handbill distribution is exhibited upon or near the main entrance to the premises. If notice prohibiting solicitation or commercial handbill or noncommercial handbill distribution is exhibited, the person shall immediately depart from the premises without disturbing, placing, or depositing any type of handbill or disturbing the occupant, unless the visit is the result of a request made by the occupant.
- C. No person shall go upon any premises and ring the doorbell, or rap or knock upon the door or create any sound in a manner calculated to attract the attention of the occupant of the premises, for the purpose of securing an audience with the occupant and engaging in or attempting to engage in a solicitation or distribution transaction, if a card, as described in this Section, is exhibited in compliance with this Section, unless the visit is the result of a request made by the occupant.
- D. No person, other than the owner or occupant of the premises, shall remove, deface, or render illegible, a card placed by the occupant pursuant to this Section.
- E. Any merchant or person who has gained entrance to a premises, or audience with the occupant, whether invited or not, shall immediately depart from the premises without disturbing the occupant further when requested to leave by the occupant.

Section 12: Penalty. Any owner, person, firm, corporation or business entity violating this Ordinance 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 Terrell Hills from filing suit to enjoin the violation. Terrell Hills retains all legal rights and remedies available to it pursuant to local, state and federal law.

**SECTION 4: Severability Clause.** Should any article, section, subsection, 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. The City of Terrell Hills hereby declares that it would have adopted this Ordinance, and each article, section, subsection, sentence, clause or phrase thereof irrespective of the fact that any one of or more article, section, subsection, sentence, clause or phrase be declared unconstitutional or invalid.

**SECTION 5 Repealing/Savings Clauses.** All provisions of any ordinances in conflict with this Ordinance are hereby repealed to the extent they are in conflict; 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.

**SECTION 6: Injunctive Relief.** In addition to and accumulative of all other penalties, Terrell Hills shall have the right to seek injunctive relief for any and all violations of this Ordinance.

(Ord. 1336, 04-09-2012)

## **Sec. 9-2, Noise Nuisances**

### **SECTION 1. NOISE NUISANCES DEFINED GENERALLY.**

- a. Any unreasonably loud, vexing, or disturbing noise, originating from nearby property under separate ownership, that causes material distress, annoyance, discomfort, or injury to any person of normal sensibilities is declared a noise nuisance and is hereby made unlawful; or
- b. Any noise that exceeds sixty-three (63) decibels in the residential or semi-commercial zones is hereby declared a noise nuisance and is hereby made unlawful. Decibel measurements shall be made at any location beyond the property lines of the property on which the sound is being generated using a Type 1 or Type 2 calibrated sound level meter, utilizing the A-weighting scale and the slow meter response. The meter's microphone must have a windscreen, and the meter shall be positioned so as not to create any unnatural enhancement or diminution of the measured sound.
- c. Any noise originating from a nearby property under separate ownership, that is of such resonance, character, intensity or duration that it substantially interferes with the comfort, repose, and enjoyment of any person of normal sensibilities in the neighborhood is declared a noise nuisance and is hereby made unlawful

### **SECTION 2. ENUMERATION.**

The following acts, among others, are hereby declared to be noise nuisances in violation of this ordinance, but this enumeration shall not be deemed to be exclusive:

a. Musical instruments.

The playing of any radio, phonograph or other musical instrument, whether played by a person or operated by a mechanical device, in such a manner or with such volume as to annoy or disturb the quiet, comfort or repose of persons in any dwelling, apartment or other type of residence.

b. Animals.

The keeping of any animal, fowl or bird, which by causing frequent or long continued noise shall disturb the comfort or repose or any inhabitants of normal nervous sensibilities in neighborhood thereof.

c. Horns and other signal devices.

The continued or frequent sounding of any horn or signal device on any automobile, motorcycle, bus or other vehicle except as a danger or warning signal; the creation by means of such signal device or any unreasonably loud or harsh noise for an unnecessary or unreasonable length or time.

d. Vehicles.

The running of any automobile, motorcycle, motor vehicle or other vehicle so out of repair, or so loaded, or so operated as to create loud or unnecessary grating, grinding, jarring or rattling noise or vibration.

e. Backfires and cutouts.

The discharge into the open air or the exhaust of any stationary internal combustion engine, automobile, motorcycle or other motor vehicle, except through a muffler in good working condition or other device which will effectively prevent loud or explosive noises therefrom.

f. Gasoline/Diesel Engines.

Gasoline or diesel engine powered equipment, excluding motor vehicles, that is operated at times other than between the hours of 10:00 A.M. and 6:00 P.M. on Saturdays & Sundays, and other than during daylight hours on week days. (Amended by Ord. 1213, 4-10-06)

### SECTION 3. PENALTY

Any person, firm or corporation who shall violate any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and shall be fined in any sum not less than ten (10) dollars nor more than two hundred (200) dollars, and each day's violation shall constitute a separate offense.

### SECTION 4.

All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 5. This ordinance is declared to be of urgent importance for reasons of public welfare apparent therefrom and shall take effect from the date of its passage by a four-fifths vote of the Board or Aldermen or the Town of Terrell Hills.

(Ord. 85(7), 5-4-53)

### **Sec. 9-4, Sign Restriction**

Any lot is permitted one sign not exceeding twelve square feet in area advertising the lease or sale of the City of Terrell Hills real estate. No other advertising signs of any character shall be permitted in any residential district except those advertising garage sales erected on the respective premises for a period not to exceed 24 hours after completion of the garage sale by permit. (Ord. 958, 9-9-96)

## Sec. 9.5, Electronic Sign Restrictions

### SECTION 1. DEFINITIONS:

**Changeable electronic variable message sign (CEVMS)** shall mean a sign which permits light to be turned on or off intermittently or which is operated in a way whereby light is turned on or off intermittently, including any illuminated sign on which such illumination is not kept stationary or constant in intensity and color at all times when such sign is in use, including an LED (light emitting diode) or digital sign, and which varies in intensity or color. A CEVMS sign does not include a sign located within the right-of-way that functions as a traffic control device and that is described and identified in the Manual on Uniform Traffic Control Devices (MUTCD) approved by the Federal Highway Administrator as the National Standard.

**Off-premise sign** shall mean any sign, commonly known as a billboard, that advertises a business, person, activity, goods, products or services not located on the premises where the sign is installed and maintained, or that directs persons to a location other than the premises where the sign is installed and maintained.

**On-premise sign** shall mean any sign identifying or advertising the business, person, activity, goods, products or services sold or offered for sale on the premises where the sign is installed and maintained when such premises is used for business purposes.

**Sign Code Application Area** shall mean the corporate limits of the city and the area of its extraterritorial jurisdiction as defined by Section 42.021 of the Local Government Code.

### SECTION 2. PROHIBITIONS.

A. **New Off-premise Signs.** From and after the effective date, no new construction permit shall be issued or written permission granted for the erection of an off-premise sign, including but not limited to a new off-premise CEVMS or the conversion of an existing non-CEVMS off-premise sign to a CEVMS, within the corporate city limits and ETJ of the City.

B. **Changeable Electronic Variable Message Signs.** From and after the effective date, no CEVMS shall be allowed within the Sign Code Application Area.

SECTION 3. PENALTY.

Any individual, organization, group, or legally recognized entity of any type whatsoever violating the provisions of Section 9.6. hereof shall be guilty of a misdemeanor and assessed a fine of not less than \$200.00 nor more than \$500. Each day that such violation continues shall be deemed a separate offense and be punishable as such.

SECTION 4. SEVERABILITY.

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional or illegal, such decision shall not affect the validity of the remaining sections of this ordinance. The City Council 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 or phrases be declared void.

SECTION 5. REPEALING ORDINANCES IN CONFLICT.

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 6. EFFECTIVE DATE.

The Ordinance shall be effective immediately following its publication in the local newspaper as required by Section 52.011 of the Texas Local Government Code. Thereafter, the rules contained therein will apply within the City of Terrell Hills.

(Ord. 1268, 6-09-08)