

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PROSPER, TEXAS, AMENDING SUBSECTION 8 OF SECTION 3.14.010, "PROHIBITED SIGNS," OF ARTICLE 3.14, "SIGNS," OF CHAPTER 3, "BUILDING REGULATIONS," OF THE CODE OF ORDINANCES OF THE TOWN OF PROSPER, TEXAS, BY ALLOWING CERTAIN WIND DEVICES (FEATHER SIGNS) TO BE DISPLAYED AT CERTAIN TIMES DURING THE WEEK, AS SPECIFIED HEREIN; MAKING FINDINGS; PROVIDING FOR SEVERABILITY, SAVINGS AND REPEALING CLAUSES; PROVIDING FOR PENALTIES; PROVIDING AN EFFECTIVE DATE; AND PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF.

WHEREAS, the Town of Prosper, Texas ("Town"), is a home-rule municipality under the laws of the State of Texas and is duly incorporated; and

WHEREAS, the Town possesses the full power of self-government, as authorized by the Texas Constitution and the Town's duly adopted Charter; and

WHEREAS, the Town Council of the Town has determined that certain restrictions relative to certain wind device signs, specifically feather signs, should be revised due to the growing popularity of such signs and as a consequence, the Town Council desires certain revisions to existing regulations regarding feather signs while also including additional limitations on the display of such signs; and

WHEREAS, the Town Council, on behalf of Prosper and its citizens, further has determined that the revision of regulations relative to feather signs as referenced in this Ordinance will promote the orderly, safe and efficient growth of the Town and the Town's extraterritorial jurisdiction.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF PROSPER, TEXAS, THAT:

SECTION 1

All of the above findings are hereby found to be true and correct and are hereby incorporated into the body of this Ordinance as if fully set forth herein.

SECTION 2

From and after the effective date of this Ordinance, existing Subsection 8 of Section 3.14.010, "Prohibited Signs," of Article 3.14, "Signs," of Chapter 3, "Building Regulations," of the Code of Ordinances of the Town of Prosper, Texas, is hereby amended to read as follows:

"Sec. 3.14.010 Prohibited Signs

* * *

(8) Wind devices, excluding:

- (A) Flags and banners as authorized by this article; and
- (B) Feather signs displayed between the hours of 7:00 a.m. and 2:00 p.m. on Sundays on non-residential property. For purposes of this section, “feather sign” means a flexible or rigid pole to which one side of a flexible fabric, generally in the shape of a feather or similar shape, is attached and which is used for the primary purpose of advertising, way-finding or attention-getting by the public. Feather signs are also known under the names which include but are not limited to quill signs, banana banners, flutter banners, flutter flags, bowflags, and teardrop banners.

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SECTION 3

As authorized by Chapter 216 of the Texas Local Government Code, as amended, and other applicable law, the Town Council of the Town of Prosper hereby extends to the extraterritorial jurisdiction of the Town the application of the Sign Ordinance incorporated and referenced herein, to the extent authorized by said Chapter.

SECTION 4

Should any section, subsection, sentence, 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 Town 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 and phrases be declared unconstitutional or invalid.

SECTION 5

All provisions of any ordinance 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

Any person, firm, corporation or business entity violating this Ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be subject to a fine not to exceed the sum of Five Hundred Dollars (\$500.00), and each and every day such violation shall continue shall constitute a separate offense.

SECTION 7

This Ordinance shall become effective from and after its passage and publication.

**DULY PASSED, APPROVED, AND ADOPTED BY THE TOWN COUNCIL OF THE
TOWN OF PROSPER, TEXAS, ON THIS 14TH DAY OF SEPTEMBER, 2021.**

Ray Smith, Mayor

ATTEST:

Robyn Battle, Interim Town Secretary

APPROVED AS TO FORM AND LEGALITY:

Terrence S. Welch, Town Attorney