

ORDINANCE NO. 2142

AN ORDINANCE OF THE CITY OF TERRELL, KAUFMAN COUNTY, TEXAS AMENDING CHAPTER 8, OFFENSES AND NUISANCES, SECTION 6: ADVERTISING; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE:

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TERRELL, KAUFMAN COUNTY, TEXAS THAT:

SECTION I.

That Chapter 8, Offenses and Nuisances, Section 6: Advertising, shall be amended as follows:

Section 8-6. Advertising

(A) *Posting Unlawful.* A person commits an offense if he sticks, paints, stamps or posts any handbill, poster (including any political poster), sign, circular, advertisement or other notice upon any public or private property, specifically including utility poles, without the permission of such property owner. If the owner of such property is unknown or cannot be located, it shall be presumed that the city shall be the owner of such property for the purposes of this section.

(B) *Distribution on or in Automobiles Unlawful Without Permission.* A person commits an offense if he throws, distributes or places in or on any automobile or other vehicle within the city any handbill, dodger, circular, or other printed material without first having obtained the permission of the owner or the person in possession thereof.

(C) *United States Mail and Certain Newspapers Excepted.*

- (1) This section does not apply to the distribution of the United States Mail nor the delivery of any newspaper to any subscriber thereof nor to any person who has requested the delivery of same.
- (2) The term “newspaper” as used herein shall be construed to mean any newspaper of general circulation within the city as defined in Article 28a of Vernon’s Annotated Revised Civil Statutes, as amended.

(D) *Penalty.* Any person who violates any provision of this section, upon conviction, is punishable by a fine not to exceed \$500.00 per day for each occurrence.

SECTION II.

All ordinances or parts of ordinances in conflict herewith are, to the extent of such conflict, hereby repealed.

SECTION III.

It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable and, if any phrase, clause, sentence, paragraph, or section of this Ordinance shall be declared unconstitutional by the valid judgement or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of 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 any such unconstitutional phrase, clause, sentence, paragraph, or section.

SECTION IV.

This Ordinance will take effect immediately from and after its passage and the publication of the captions, as the law in such cases provides.

PASSED AND APPROVED ON THIS THE 5th DAY OF NOVEMBER, 2002
PASSED AND ADOPTED ON THIS THE 19th DAY OF NOVEMBER, 2002

APPROVED:

FRANCES ANDERSON, MAYOR

ATTEST:

JOHN ROUNSAVALL, CITY SECRETARY

APPROVED AS TO FORM:

MARY GAYLE RAMSEY, CITY ATTORNEY