

BILL ANALYSIS

Senate Research Center
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S.B. 778
By: Shapiro
Intergovernmental Relations
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DIGEST AND PURPOSE

Historically, cities have passed sign ordinances but have grandfathered or used an amortization plan for off-premise signs (billboards) which were already displayed and did not conform to the ordinance. These nonconforming signs were allowed to be regularly maintained and even repaired as long as the signs were not damaged to a certain extent or destroyed. If significant damage to or destruction of a sign did occur, the sign was no longer authorized and the remaining structure had to be moved. Thus, a sign voluntarily removed or blown down by a storm cannot be rebuilt or replaced if the location was previously declared illegal by city ordinance. However, currently some cities ignore policy for off-premise signs, allowing new nonconforming signs to be built or rebuilt. As proposed, S.B. 778 clarifies the definition of an off-premise sign and that the nonconforming status of a sign is attached to the sign's structure and not to its location. This bill also clarifies the intent for nonconforming signs and requires those signs to remain attached to their original location.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 216.002, Local Government Code, to define "non-conforming sign." Provides that the nonconforming status of a sign is the property of the owner of the sign and that, upon the permanent removal of the nonconforming, off-premise sign by the owner for reasons other than the requirements in Subsections (b) and (c) of Section 216.013 of this chapter, the nonconforming status of the sign is terminated.

SECTION 2. Amends Section 216.013, Local Government Code, by adding Subsection (e), as follows:

(e) Prohibits, notwithstanding any other provision of state law or any law or action of a political subdivision of this state, a nonconforming off-premise sign having been permitted to remain in place as a nonconforming use from being eligible for replacement or reconstruction at its current location except as provided in this chapter. Provides that the nonconforming use attaches to the original off-premise sign and prohibits the authorization of another new, nonconforming, off-premise sign at such location.

SECTION 3. Effective date: upon passage.