

By: Murphy

H.B. No. 2946

A BILL TO BE ENTITLED

AN ACT

relating to procedures for the removal of an abandoned on-premise sign by a municipality.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 216.003, Local Government Code, is amended by amending Subsection (e) and adding Subsections (e-1), (e-2), and (e-3) to read as follows:

(e) A municipality that exercises authority under this subchapter may, without paying compensation as provided by this subchapter, require the removal of an on-premise sign or sign structure not sooner than the first anniversary of the date the business, person, or activity that the sign or sign structure identifies or advertises ceases to operate on the premises on which the sign or sign structure is located. ~~[If the premises containing the sign or sign structure is leased, a municipality may not require removal under this subsection sooner than the second anniversary after the date the most recent tenant ceases to operate on the premises.]~~ The removal of a sign or sign structure as described by this subsection does not require the appointment of a board under Section 216.004.

(e-1) A municipality may adopt procedures for the abatement and removal, as a public nuisance, of an on-premise sign or sign structure described by Subsection (e). The procedures must provide for:

1 (1) initial written notice provided after the
2 business, person, or activity ceases operation to the owner of the
3 property on which the sign or sign structure is located that the
4 sign or sign structure must be removed;

5 (2) subsequent written notice to the property owner on
6 or after the first anniversary of the date notice is given under
7 Subdivision (1);

8 (3) at least a 30-day period for the owner of the
9 property on which the sign or sign structure is located to remove
10 the sign or sign structure after the date on which the municipality
11 may require removal under Subsection (e), before the municipality
12 may remove the sign or sign structure; and

13 (4) a public hearing, if requested by any person,
14 before the municipality removes the sign or sign structure under
15 this section.

16 (e-2) After following the procedures under Subsection
17 (e-1), a municipality may:

18 (1) remove a sign or sign structure described by
19 Subsection (e); and

20 (2) assess the cost of the removal, including
21 reasonable administrative costs, as a lien against the real
22 property on which the sign or sign structure was located as provided
23 by Subsection (e-3).

24 (e-3) To obtain a lien against the property under Subsection
25 (e-2), the municipality must file a statement of expenses with the
26 county clerk of the county in which the property is located. The
27 lien statement must state the name of the owner and the legal

1 description of the property. The lien attaches at the time the lien
2 statement is filed with the county clerk. The lien obtained by the
3 municipality is security for the expenditures made and interest,
4 which accrues at the rate of 10 percent a year on the amount due.
5 The lien is inferior only to tax liens. The municipality may bring
6 a suit for foreclosure in the name of the municipality to recover
7 the expenditures and interest due. The statement of expenses or a
8 certified copy of the statement is prima facie proof of the expenses
9 incurred by the municipality in removing the sign or sign
10 structure.

11 SECTION 2. This Act takes effect September 1, 2007.