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*City of Abilene  
City Clerk  
City of Abilene*

ORDINANCE NO. 914

AN ORDINANCE AMENDING CHAPTER 26 OF THE ABILENE CITY CODE BY ADDING THERETO ARTICLE VIII, MAKING IT UNLAWFUL FOR ANY PERSON TO PAINT OR MARK A HOUSE NUMBER OR ADDRESS UPON ANY CURB WITHOUT HAVING FIRST OBTAINED A PERMIT FROM THE CITY OF ABILENE; SETTING OUT THE REQUIREMENTS FOR SUCH PERMIT; AND AMENDING SECTION 26-7 TO PROVIDE THAT MARKING NUMBERS UPON A CURB PURSUANT TO A PERMIT SHALL NOT BE A VIOLATION OF THAT SECTION; PROVIDING A SEVERABILITY CLAUSE, A PENALTY AND AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS:

PART 1: Chapter 26 of the Abilene City Code is hereby amended by adding thereto Article VIII which shall read hereafter as follows:

" Article VIII. STREET NUMBERING PERMITS

Sec. 26-52. Street numbering permit required.

*It shall be unlawful for any person to paint or otherwise mark any house number or street address upon any curb or driveway approach within any public street right of way in the city of Abilene without having first obtained a permit from the City of Abilene.*

Sec. 26-53. Application for permit.

*Applications for a permit to paint or mark house numbers or street addresses upon curbs and driveway approaches within public street right of way shall be made to the Code Enforcement Administrator and shall set forth the following information:*

- (a) *The name, permanent address and local address of the applicant.*
- (b) *If the applicant is other than an individual person, the name of the company or organization and the name, permanent address and local address of the owner or a principal officer of such company or organization and, if the applicant is a corporation, the name and address of its registered agent.*
- (c) *The price to be charged by applicant for his street numbering services.*

Sec. 26-54. Permit duration.

*Any such permit shall be valid only for the duration of the calendar year in which it is issued.*

**Sec. 26-55. Approval of size, type, location, etc. of numbers.**

Prior to issuance of the permit, the applicant shall also provide to the Director of Traffic and Transportation detailed information concerning the size, type of numbers, color combinations, quality of paint, location of numbers and such other information as the said Director may request. No permit shall be issued unless and until the Director of Traffic and Transportation approves the size, type of numbers, color combinations, quality of paint, and location of such numbers proposed by the applicant. Under no circumstances shall the colors red or yellow be used or approved nor shall the width of the area painted for each house number exceed twenty-four inches (24").

**Sec. 26-56. Use of permit by persons other than holders; permit to be displayed upon request.**

The holder of a street numbering permit shall not allow the use of such permit by any person not employed by him. The permit or a photostatic copy thereof shall be kept on the job at all times and shall be displayed upon request.

**Sec. 26-57. Misrepresentation of services.**

The holder of a street numbering permit, or any of its agents and employees, shall not misrepresent to any city official or employee, customer or prospective customer, any fact concerning his street numbering services.

**Sec. 26-58. Written order required for numbering, etc.**

No house number or street address shall be painted upon any curb or driveway approach within a public street right of way in the city unless and until a written order for such services has been obtained from the owner or occupant of the property abutting the curb or driveway approach area in question. The form and content of such written orders shall be specified or approved by the Code Enforcement Administrator prior to the issuance of the permit provided for herein.

**Sec. 26-59. Hours during which work permitted.**

The holder of a street numbering permit, or any of his agents or employees, shall not engage in soliciting, painting, marking or collecting activities any time after sunset, nor earlier than sunrise of each day.

**Sec. 26-60. Revocation of permit.**

The Code Enforcement Administrator is authorized to revoke any permit issued under the authority of Sec. 26-52 et seq, upon the violation by a permit holder of any of the provisions of Secs. 26-52 through 26-59 or any other ordinances of the City of Abilene, Texas.

**Sec. 26-61. No permit required by property owner.**

The permit requirements of this article shall not apply to the painting or marking of a house number or street address upon a curb or driveway approach within the public street right of way by the person owning or actually occupying the property adjacent to said curb or driveway approach."

PART 2: Chapter 26, Section 7 of the Abilene Municipal Code is hereby amended by adding thereto the following sentence:

*"This section shall not apply to the lawful painting or marking of house numbers or street addresses upon curbs and driveway approaches pursuant to a permit issued for that purpose under Article VIII of this chapter or as allowed by Sec. 26-61 of this code."*

PART 3: That if any provision of any section of this ordinance shall be held to be void or unconstitutional such holding shall in no way affect the validity of the remaining provisions of this ordinance, which shall remain in full force and effect.

PART 4: That any person, firm or corporation violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not more than Two Hundred Dollars (\$200.00). Each day such violation shall continue, or be permitted to continue, shall be deemed a separate offense.

PART 5: Said ordinance, being a penal ordinance, becomes effective ten (10) days after its publication in the newspaper, as provided by Section 19 of the Charter of the City of Abilene, Texas.

PASSED ON FIRST READING, this the 18 day of November, A.D. 1976.

PASSED ON SECOND AND FINAL READING, this the 2 day of December

A.D. 1976.

ATTEST:

*Ruth Hodgson*  
CITY SECRETARY

*John Taylor*  
MAYOR

APPROVED:

*Henry Cengel*  
FIRST ASSISTANT CITY ATTORNEY