
Sec. 28-35. Reserved.

Editor's note(s)—Section 2 of Ord. No. 86-323, enacted March 5, 1986, amended the provisions of former § 28-35 to read as set forth in Art. III, § 28-121 et seq., of this chapter. Section 28-35, which pertained to sexually oriented commercial enterprises, derived from § 28-73 of the 1968 Code, as amended by Ord. No. 80-3483, § 1, enacted Dec. 17, 1980; Ord. No. 83-1812, § 3, enacted Dec. 1, 1983; Ord. No. 84-92, §§ 1, 2, enacted Jan. 17, 1984; Ord. No. 84-1256, § 1, enacted Aug. 14, 1984; and Ord. No. 85-571, § 1, enacted April 23, 1985.

Sec. 28-36. Reserved.

Sec. 28-37. Attention-getting devices.

- (a) As used in this section, attention-getting devices shall mean devices erected, placed or maintained outdoors so as to attract attention to any commercial business, or any goods, products or services available on the premises of a commercial business, including but not limited to the following devices: banners; cut out figures; discs; festooning, including tinsel, strings of ribbons, and pinwheels; inflatable objects, including balloons; non-governmental flags; pennants; propellers; steam- or smoke-producing devices; streamers; whirligigs; wind devices; blinking, rotating, moving, chasing, flashing, glaring, strobe, scintillating, search, flood or spot lights; or similar devices, any of which are located or employed in connection with the conduct of a commercial business. Attention-getting devices shall not include any structure or device that is permitted under the *Sign Code*.
- (b) It shall be unlawful for any person to place, erect, maintain, or display any attention-getting device on any private or public property within the city. No attention-getting device shall be eligible for a permit under the *Sign Code*.
- (c) Enforcement of this section shall be the duty of the sign administration division of the Houston Public Works or any law enforcement officer.
- (d) Any person who shall violate any provision of this section shall be guilty of a misdemeanor and shall, upon conviction thereof, be punished by a fine of not less than \$300.00 and not more than \$500.00 for each violation. Each day in which any violation shall occur shall constitute a separate offense.

(Ord. No. 08-992, § 3, 11-12-08, eff. 1-1-2010; Ord. No. 2018-11, § 50, 1-10-2018; Ord. No. 2021-1037, § 20(Exh. I.23), 12-1-2021, eff. 4-1-2022; Ord. No. 2022-234, § 5, 3-30-2022)

Sec. 28-38. Painting or posting advertising matter on curbs, sidewalks, bridges or public buildings; enforcement.

- (a) No person in the city shall paint, print, post, or otherwise display any poster, picture, bill, advertising matter, informational matter or political advertisement of any kind in, at or upon any curb, sidewalk or other public improvement in any public street, alley or grounds, any bridge or part of same, any public building, structure or erection of any kind belonging to the city, or any other public place, unless express consent therefor shall have been first granted by the city council and entered on its minutes.
- (b) Stake-type signs constructed of cloth, wood, paper or similar lightweight materials that are picked up in the right-of-way may be disposed of immediately. Signage impounded pursuant to this section may be redeemed in the manner specified in section 4608(c)(2) of the Sign Code. The custodian of the storage area shall maintain records of where such signs were located when they were so impounded and the date on which they were so impounded and shall hold the same in the storage area for a period of not more than 30 days. Any signs so held may be redeemed by the owner thereof upon the payment of hauling and storage fees to

the city through the custodian thereof. Amounts of the fees are stated in the city fee schedule. Such fees shall be in addition to and not in lieu of any fine imposed upon such owner for violation of this chapter.

- (c) Employees of the police department, department of planning and development, department of solid waste management, Houston Public Works, and the department of neighborhoods, and certain other city employees as designated by their department director, are hereby authorized to impound any signs found on a public street, public sidewalk or public alley and transport or cause the same to be transported and stored at a location to be designated by the director of the department of neighborhoods or his designee.
- (d) Any person violating any provision of this section, upon conviction, shall be fined not less than \$300.00 nor more than \$500.00 for each violation, and each day that the violation continues shall constitute a separate offense.

(Code 1968, § 3-2; Ord. No. 70-1747, § 1, 10-6-70; Ord. No. 2014-641, § 2, 6-18-2014; Ord. No. 2018-11, § 20, 1-10-2018)

Sec. 28-39. Posting advertising matter on utility poles, trees, traffic signs, etc.

- (a) It shall be unlawful for any person to place or cause to be placed, whether by posting, nailing, pasting, gluing or the use of any cohesive substance or in any manner whatever, any advertising sign, informational sign, poster, political advertisement, gummed label, bumper sticker, or any other advertising matter whatever on any utility pole, tree, fence, fire hydrant, street light standard, traffic light standard, stop sign or other traffic directional sign standard, or on any other structure of any kind whatsoever located in the public streets, sidewalks, alleyways, easements, public property, or any other public place in this city.
- (b) Stake-type signs constructed of cloth, wood, paper or similar lightweight materials that are picked up in the right-of-way may be disposed of immediately. Signage impounded pursuant to this section may be redeemed in the manner specified in section 4608(c)(2) of the Sign Code. The custodian of the storage area shall maintain records of where such signs were located when they were so impounded and the date on which they were so impounded and shall hold the same in the storage area for a period of not more than 30 days. Any signs so held may be redeemed by the owner thereof upon the payment of hauling and storage fees to the city through the custodian thereof. Amounts of the fees are stated in the city fee schedule. Such fee shall be in addition to and not in lieu of any fine imposed upon such owner for violation of this chapter.
- (c) Employees of the police department, department of planning and development, department of solid waste management, Houston Public Works, and department of neighborhoods, and certain other city employees as designated by their department director, are hereby authorized to impound any signs found on a public street, public sidewalk or public alley and transport or cause the same to be transported and stored at a location to be designated by the director of the department of neighborhoods or his designee.
- (d) Any person violating any provision of this section, upon conviction, shall be fined not less than \$300.00 nor more than \$500.00 for each violation, and each day that the violation continues shall constitute a separate offense.

(Code 1968, § 3-3; Ord. No. 70-1747, § 1, 10-6-70; Ord. No. 92-1449, § 46, 11-4-92; Ord. No. 2014-641, § 2, 6-18-2014; Ord. No. 2018-11, § 21, 1-10-2018)

Charter reference(s)—Penalty for ordinance violation, Art. II, § 12.

Cross reference(s)—Assessment of fines against corporations, § 16-76; payment of fines, § 16-78; credit against fines for time served in incarceration, § 35-6 et seq.; erecting structures, bill posting, etc., in parks, § 32-32; placing banners, signs, etc., over or across street, § 40-15; advertising material prohibited in shelters for users of public transportation, § 40-200(f)(8).

Sec. 28-40. Reserved.

Editor's note(s)—Ord. No. 2007-150, § 1, adopted January 31, 2007, repealed § 28-40 in its entirety. Formerly, said section pertained to carrying advertisements on person or animal and derived from Code 1968, § 3-4; Ord. No. 70-1747, § 1, 10-6-70; Ord. No. 70-3137, § 1, 12-8-70; Ord. No. 71-489, § 1, 3-10-71.

Sec. 28-41. Posting or distributing obscene matter viewable by minors.

No billposter, bill distributor or other person shall post to any building, structure or object whatsoever, nor distribute in or at any place in the city, any poster or handbill that would be construed by law as that immoral or obscene matter proscribed for by Section 43.24 of the Texas Penal Code so that the same shall, can, or may be seen from any public street, park, school grounds or other public place where it would be reasonable to assume, judged by the standard of common experience, that minors would be present.

(Code 1968, § 3-9; Ord. No. 70-1747, § 1, 10-6-70)

Sec. 28-42. Handbill distribution.

No bill distributor shall hand to or foist upon any person a handbill without the consent of such person.

(Code 1968, § 3-10; Ord. No. 70-1747, § 1, 10-6-70)

Cross reference(s)—Advertising materials prohibited in shelters for use of public transportation, § 40-200(f)(8).

Sec. 28-43. Warning required on certain political advertising materials.

(a) As used in this section:

- (1) *Election* means any election conducted or to be conducted by or on behalf of the state, any one or more of the political subdivisions of the state or any political party, in which election, one or more of the residents of the city is qualified to vote;
- (2) Political advertising material means any advertising material relating to any election which might, with reasonable foreseeability, be placed, posted or erected within the city by any person in violation of sections 28-38 and 28-39 of this Code or of the *Sign Code*; and
- (3) The warning means the following words: "Warning: Placement, posting or erection of this material within the City of Houston is regulated by sections 28-38 and 28-39 of this Code and the *Sign Code*; violation thereof is punishable by a fine of up to five hundred dollars (\$500.00).

(b) It shall be unlawful for any person to print, distribute or use or to cause to be printed, distributed or used any political advertising material unless the warning is affixed thereto. The warning shall be affixed by permanent means upon each face of the political advertising material where any advertising message is printed. The warning need only be so conspicuous that a person of normal visual acuity would reasonably be expected to take notice of the warning upon placing, posting or erecting the political advertising material.

(Code 1968, § 3-3-1; Ord. No. 81-1084, § 1, 5-27-81; Ord. No. 92-1449, § 47, 11-4-92; Ord. No. 2021-1037, § 20(Exh. I.24), 12-1-2021, eff. 4-1-2022)