



COPY

ORDINANCE NO. 2008-3

AN ORDINANCE AMENDING ORDINANCE #118 ~ PROHIBITING CONSTRUCTION FOR THE ERECTION OF NEW OFF-PREMISE BILLBOARDS, LED BILLBOARDS AND CONVERSION OF EXISTING BILLBOARDS INTO CHANGEABLE ELECTRONIC VARIABLE MESSAGE SIGNS AND TO ENACT CITY REGULATIONS PERTAINING TO ELECTRONIC SIGNS, INCLUDING PROCEDURAL PROVISIONS AND PROVIDING FOR PENALTIES IN THE CORPORATE AND EXTRATERRITORIAL JURISDICTION LIMITS OF THE CITY OF BEASLEY.

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

Section 1. Statement of Purpose

- a. To preserve and promote the public health, safety, and welfare of the citizens of the City of Beasley;
- b. To maintain and enhance the visual environment, and to preserve the right of citizens to enjoy the city's aesthetic beauty;
- c. To improve pedestrian and traffic safety;
- d. To minimize the possible adverse effect of billboards on nearby public and private property.

Section 2: Definitions

Sign. Any outdoor display, design, pictorial or other representation that shall be so constructed, placed, attached, painted, erected, fastened or manufactured in any manner whatsoever so that the same shall be used for advertising. The term "sign" shall include the sign structure.

Electronic Sign and or Changeable electronic variable message sign (CEVMS) Shall mean a sign which permits light to be turned on or off intermittently or which is operated in a way whereby light is turned on or off intermittently, including any illuminated sign on which such illumination is now kept stationary or constant in intensity and color at all times when such sign is in use, including an LED (light emitting diode) or digital sign, and which varies in intensity or color. A CEVMS sign does not include a sign located within the right-of-way that functions as a traffic control device and that is described and identified in the Manual on Uniform Traffic Control Devices (MUTCD) approved by the Federal Highway Administrator as the National Standard. This does not include time and temperature signs.

Section 3: Billboard Regulations: Prohibited

New Off-premise signs. No new construction permit shall be issued for the erection of an off-premise sign, including but not limited to a new off-premise electronic sign and or Changeable Electronic Variable Message Sign (CEVMS) or the

conversion of an existing non-CEVMS off-premise sign to a CEVMS, within the Sign Code Application Area as defined in Texas Local Government Code Section 42.021.

Electronic sign and or Changeable Electronic Variable Message Signs (CEVMS): From and after the effective date, no off-premise CEVMS shall be allowed within the Sign Code Application Area defined in Texas Local Government Code Section 42.021.

Section 4. Billboard Regulations: Exempted Signs

The following signs are allowed even if they meet the definition of electronic sign:

- a. Traffic control signs;
- b. Traffic flow informational signs;
- c. Directional signs;
- d. Temporary signs;
- e. Safety Control Signs.

Section 5. Penalty

Any person who shall violate any provision of this chapter 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 continues shall constitute a separate offense. To the extent that any violation of any provision of this chapter also constitutes a violation of state law, then it shall be punishable as provided by the applicable state law. In addition, the City Attorney is hereby authorized to take all actions, both legal and equitable, necessary to assure compliance with this chapter.

Section 6. Severability

If any section, subsection, sentence, clause, phrase or portion of this Ordinance is held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

Section 7. Effective Date

That this ordinance shall take effect and be in force after its passage.

PASSED this the 17th day of June, 2008, at a Regular Meeting of the City Council of the City of Beasley.



G. B. Michulka
G. B. Michulka, Secretary

Kenneth Reid
Kenneth Reid, Mayor