

ORDINANCE NO. 2008 - 171

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WALLIS, AUSTIN COUNTY, TEXAS TO ENACT CITY REGULATIONS PERTAINING TO ELECTRONIC SIGNS; INCLUDING PROCEDURAL PROVISIONS; AND PROVIDING FOR PENALTIES.

Whereas, the City Council has determined that in order to preserve and enhance the City as a desirable community in which to live and do business, a pleasing visually attractive environment is of foremost importance; and these regulations are a highly contributive means by which to achieve this desired end and have been prepared with the intent of enhancing the visual environment of the City and promoting safety and continued well-being;

Whereas, the City Council has determined that off-premise signs, commonly known as billboards, are inconsistent with above stated goals;

Whereas, the City Council has determined that electronic signs, as defined herein, are inconsistent with the above-stated goals;

Whereas, the City Council finds that Section 216.902 of the Local Government Code provides for the application of its outdoor advertising sign regulations to extend into the extraterritorial jurisdiction (ETJ) of the City.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WALLIS, AUSTIN COUNTY, TEXAS:

SECTION 1. STATEMENT OF PURPOSE

- a. That the facts and recitations contained in the preamble of this Ordinance are hereby found and declared to be true and correct.
- b. To preserve and promote the public health, safety, and welfare of the citizens of Wallis;
- c. To maintain and enhance the visual environment, and to preserve the right of citizens to enjoy the city's aesthetic beauty;
- d. To improve pedestrian and traffic safety;
- e. 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: A sign, display, or device that changes its message or copy by programmable mechanical or electronic processes, including but not limited to Changeable electronic variable message signs (CEVMS) 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, and including an LED (light emitting diode) and which varies in intensity or color. This does not include time and temperature signs.

SECTION 3. BILLBOARD REGULATIONS: PROHIBITED

Electronic signs, as defined above, are expressly prohibited within the city limits and the extraterritorial jurisdiction of the city as 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

In the event that any clause, phrase, section, subsection, paragraph, provision or sentence, or other part of this Ordinance--or the application of this Ordinance to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof, other than the part or provision declared invalid, unconstitutional, or unenforceable.

SECTION 7. CONFLICT WITH EXSITING ORDINANCES.

All ordinances and resolutions or parts of ordinances or resolutions in conflict with this ordinance are repealed.

SECTION 8. EFFECTIVE DATE.

The City Council finds, determines and declares that a sufficient written notice was posted and this Ordinance was passed in accordance with the Open Meetings Act. The City Secretary is instructed to publish this Ordinance in the Official Newspaper of the City of Wallis in the manner provided and for the time required by Section 52.011(a)-(c) of the Local Government Code which publication shall be sufficient if it contains the caption of this Ordinance and at which time this Ordinance takes effect.

PASSED AND ADOPTED by the City Council for the City of Wallis, Texas, on this 21st day of May, 2008.

Jay J. Salazar
Mayor Tony Salazar
City of Wallis, Texas

ATTEST:

D.J. Sommers
D.J. Sommers, City Secretary