



ORDINANCE 2008-06

AN ORDINANCE AMENDING ORDINANCE 2005-07 REGULATIONS OF THE ORDINANCES FOR THE CITY OF TOM BEAN, TEXAS.

WHEREAS, the City Council of TOM BEAN, Texas has determined that the regulation of advertising or billboards maintain and enhance the aesthetic environment, improve pedestrian and traffic safety, lessen unnecessary visual clutter that competes for the attention of pedestrian and vehicular traffic, regulates signs in a manner so as to not interfere with, obstruct the vision of or distract motorists, bicyclists or pedestrians, conserve, protect, and enhance the aesthetic quality of the City, protect property values by precluding sign-types that create a nuisance to the occupancy or use of other properties; and

WHEREAS, the City Council has determined that signs, commonly known as commercial billboards, are inconsistent with the above stated goals; and

WHEREAS, the City Council has determined that changeable electronic variable message signs (CEVMS), as defined herein, are inconsistent with the above stated goals;

NOW THEREFORE, BE IT ORDAINED BY THE TOM BEAN CITY COUNCIL,

Section 1. Ordinance 2005-07 Establishing sign regulations shall be amended to read:

Section 2. DEFINITIONS.

MM Commercial billboard

For the purpose of this ordinance a commercial billboard is defined as an off-premises sign or on-premises sign which constitutes a primary use of land (not an accessory use) and which directs attention to a business, product, activity or service which may or may not be conducted, sold, offered, or located on the premises where the sign is located, or a sign whose message space is available for lease, rent or hire, separate and apart from any business product, activity or service. It is further identified as being primarily designed to be viewed from a moving vehicle, and possessing a minimum of face height of eight (8) feet, and minimum overall length of ten (10) feet per sign face.

NN Changeable electronic variable message sign (CEVMS)

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 not 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.

OO Sign Code Application Area

The corporate limits of the city and the area of its extraterritorial jurisdiction as defined by Section 42.021 of the Local Government Code.

Section 3. Section 12. Generally Prohibited Signs shall be amended as follows:

F. From and after the effective date, no new sign permit shall be issued for the erection of a CEVMS off-premises or on-premises sign or the conversion of an existing non-CEVMS off premises or on-premises sign to a CEVMS, within the Sign Code Application Area.

Section 4. Conflicting ordinances repealed. All ordinances or parts of ordinances conflicting with any of the provisions of this ordinance are hereby repealed.

Section 5. Effective date. This ordinance shall be in full force and effect upon the posting and/or publication of its caption as required by law and the City Secretary is hereby directed to implement such posting and/or publication.

Section 6. Validity. Should any part of this ordinance be held invalid, the remainder of the ordinance shall continue in full force and effect.

Passed and Approved this 9th day of June, 2008.

Sherry Howard, Mayor

Attest:

Cathy Pugh, City Secretary