

AN ORDINANCE

AMENDING CHAPTER 28 OF THE CITY CODE OF SAN ANTONIO, TEXAS, BY ADDING PROVISIONS FOR DIGITAL SIGNS; CLARIFYING, CONSOLIDATING AND ADDING VARIOUS DEFINITIONS; REPEALING THE AMORTIZATION PLAN FOR NON-CONFORMING SIGNS; AND PROVIDING FOR PENALTIES AND PUBLICATION.

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NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

SECTION 1. Chapter 28 of the City Code of San Antonio, Texas, is hereby amended by adding the language that is underlined (added), and deleting the language that is struck through (deleted):

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Sec.28-6. Definitions.

When used in this chapter, the following terms shall have the following meanings:

* * * * *

Municipality means the City of San Antonio.

Natural feature means that which is found in its natural or original state out of doors and has not been converted into a structure as defined in this section, and includes but is not limited to trees, bushes, shrubbery, rocks, boulders, and earth.

Neighborhood shall mean a distinct segment of the community, usually consisting of essentially similar housing stock whose boundaries are defined by physical barriers such as major arterial streets and railroads and/or natural features such as creeks and rivers.

Nit means a unit of illuminative brightness equal to one candle per square meter, measured perpendicular to the rays of the source.

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Person, corporation or association with reasonable connection means, by rebuttable presumption, any of the following: An individual, corporation or association that owns the sign; an individual, corporation or association advertised or displayed on the sign; an individual, corporation or association in whose name a telephone number displayed on the sign is listed with the telephone company; an individual, corporation or association whose name or service was advertised or displayed on the sign in promotion of that which was advertised or displayed thereon; an individual, corporation or association that affixed, erected, posted, maintained or displayed the sign.

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Place means to physically place or cause to be physically placed.

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Public right-of-way means it is a rebuttable presumption that any area within fifteen (15) feet of the edge of the paved portion of a road or highway maintained by the city is public right-of-way.

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Sign, off-premise digital means an off-premise sign, display, or device, which changes the "static" message or copy on the sign by electronic means.

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Sign Operator means a "person, corporation or association with reasonable connection", a "billboard operator", or a "commercial sign operator".

Structure means anything built, constructed or erected or any piece or work artificially built-up or composed of parts joined together in some definite manner including, but not limited to, buildings of any kind, utility poles, fences, fire-hydrants, street light standards, traffic light standards, traffic directional sign standards or any other thing to which a sign, may be placed, affixed, erected, painted, posted, maintained or displayed.

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Unauthorized sign means any sign placed by a person who is not a holder of a valid annual temporary sign permit.

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Sec. 28-9. Posting signs on structures and natural features.

(a) *Definitions:* As used in this section, the following words and terms shall have the meanings respectively ascribed:

Natural feature means that which is found in its natural or original state out of doors and has not been converted into a structure as defined in this section, and includes but is not limited to trees, bushes, shrubbery, rocks, boulders, and earth.

Person, corporation or association with reasonable connection means, by rebuttable presumption, any of the following: An individual, corporation or association that owns the sign; an individual, corporation or association advertised or displayed on the sign; an individual, corporation or association in whose name a telephone number displayed on the sign is listed with the telephone company; an individual, corporation or association whose name or service was advertised or displayed on the sign in promotion of that which was advertised or displayed thereon; an individual, corporation or association that affixed, erected, posted, maintained or displayed the sign.

Sign means that which is defined in § 28-6 of this chapter and includes the following items among others not hereinafter enumerated: bill, poster, label, paper, sticker or any other advertisement or announcement whatsoever.

Structure means anything built, constructed or erected or any piece or work artificially built up or composed of parts joined together in some definite manner including, but not limited to, buildings of any kind, utility poles, fences, fire-hydrants, street light standards, traffic light

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~~standards, traffic directional sign standards or any other thing to which a sign, may be placed, affixed, erected, painted, posted, maintained or displayed.~~

~~(a) (b) Posting, etc, of signs on structures and natural features~~

~~(1) It shall be unlawful for any person with reasonable connection to any sign to knowingly place, affix, erect, paint, post, maintain or display in any manner whatsoever, or knowingly allow or cause the same to be done, the sign on any structure or natural feature on public property.~~

~~(2) It shall be unlawful for any corporation or association with reasonable connection to any sign with criminal negligence to place, affix, erect, paint, post, maintain or display in any manner whatsoever, or with criminal negligence allow or cause the same to be done, the sign on any structure or natural feature on public property.~~

~~(b) (c) Failure to remove signs on structures and natural features.~~

~~(1) It shall be unlawful for any person with reasonable connection to knowingly fail to remove a sign on any structure or natural feature on public property within ten (10) days after notice is received by registered mail from the director of building inspections or his designee.~~

~~(2) It shall be unlawful for any corporation or association with reasonable connection with criminal negligence to fail to remove a sign on any structure or natural feature on public property within ten (10) days after notice is received by certified mail from the director of building inspections or his designee.~~

~~(c) (d) Affirmative defense. It is an affirmative defense to prosecution under this section that written permission has been granted by the city council or its designee or other appropriate public authority for a sign to be erected or maintained on a public sidewalk, right-of-way or other public property. Such permission is an affirmative defense to prosecution only for the time and the location specified in such written permission.~~

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Sec. 28-152. Signs on roads and highways maintained by the city.

(a) No person may place a sign on the public right-of-way of a road or highway maintained by the city.

(1) Definitions. The definitions herein are only to be applied in the enforcement of this section unless specifically stated otherwise.

a. ~~Person~~ means that which is defined in section 28-6 of this chapter and shall include ~~Person, corporation or association with reasonable connection as defined in section 28-9 which means, by rebuttable presumption, any of the following: An individual, corporation or association that owns the sign; an individual, corporation or association advertised or displayed on the sign; an individual, corporation or association in whose name a telephone number displayed on the sign is listed with the telephone company; an individual, corporation or association whose name or service was advertised or displayed on the sign in promotion of that which was advertised or displayed thereon; an individual, corporation or association that affixed, erected, posted, maintained or displayed the sign.~~

b. ~~Place~~ means to physically place or cause to be physically placed.

c. ~~Public right-of-way~~ means it is a rebuttable presumption that any area within fifteen (15) feet of the edge of the paved portion of a road or highway maintained by the city is public right-of-way.

d. ~~Unauthorized sign~~ means any sign placed by a person who is not a holder of a valid annual temporary sign permit.

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SECTION 2. Chapter 28, Article I, Section 28-8, entitled "Classification of signs" of the City Code of San Antonio, Texas, is hereby amended by adding "Digital Signs" to the classes of signs governed by Chapter 28 as follows:

Sec. 28-8. Classification of signs.

The following classes of signs are governed by this chapter:

* * * * *

(14) Digital Signs.

SECTION 3. Chapter 28, Article III, Section 28-94, entitled "Fee Schedule" of the City Code of San Antonio, Texas, is hereby amended by adding the following fees:

Sec. 28-94. Fee Schedule.

* * * * *

(11) Digital Sign Permits

Inspection fee	\$200.00
1-75 sq. ft	\$64.80
More than 75 sq. ft.	\$64.80 + .88 sq. ft.

(12) Digital Sign Annual Inspection Fee

1-72 sq. ft	\$200.00
73-300 sq. ft	\$300.00
301-672 sq. ft.	\$400.00

SECTION 4. Chapter 28, Article IV of the City Code of San Antonio, Texas, is hereby amended by adding Section 28-125 to be entitled "Off-Premise Digital Signs" as follows:

Sec. 28-125. Off-Premise Digital Signs.

- (a) Off-premise digital signs are prohibited within the jurisdiction of the City of San Antonio. This section shall apply only upon an affirmative action by the City Council authorizing the issuance of digital sign permits.
- (b) Sign operators installing, testing, or maintaining off-premise digital signs shall comply with the following requirements:
 - (1) The dwell time, defined as the interval of change between each individual message, shall be at least ten (10) seconds, and a change of message must be accomplished within one (1) second or less. The dwell time shall not include the one (1) second or less required to change a message.

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- (2) The digital sign shall contain a default mechanism that will freeze the sign in one position if a malfunction occurs.
- (3) The digital sign may not display light of such intensity or brilliance to cause glare or otherwise impair the vision of the driver, or results in a nuisance to the driver.
 - a. Digital sign light intensity exceeding the following intensity levels (nits) constitutes "excessive intensity or brilliance":

INTENSITY LEVELS (NITS)		
COLOR	DAYTIME	NIGHTTIME
<u>Red Only</u>	<u>3,150</u>	<u>1,125</u>
<u>Green Only</u>	<u>6,300</u>	<u>2,250</u>
<u>Amber Only</u>	<u>4,690</u>	<u>1,675</u>
<u>Full Color</u>	<u>7,000</u>	<u>2,500</u>

- b. Prior to the issuance of a sign permit, the applicant shall provide written certification from the sign manufacturer that the light intensity has been factory pre-set not to exceed 7,000 NITS and that the intensity level is protected from end-user manipulation by password-protected software or other method as deemed appropriate by the Director.
- (4) The digital sign shall not be configured to resemble a warning or danger signal or to cause a driver to mistake the digital sign for a warning or danger signal.
- (5) Off-premise digital sign faces may have dimensions of up to 300 square feet or up to 672 square feet in accordance with conversion Table 1 and Table 2.
- (6) A digital sign is subject to all existing restrictions on light intensity or brilliance contained in Chapter 35 of the Unified Development Code, including but not limited to Section 35-612:(p)(6).
- (7) A digital sign must not resemble or simulate any lights or official signage used to control traffic in accordance with the 2003 Manual on Uniform Traffic Control Devices, with Revision No. 1 published by the Federal Highway Administration (FHWA).
- (8) A digital sign must be equipped with both a dimmer control and a photocell, which automatically adjusts the display's intensity according to natural ambient light conditions.
- (9) Except for a sign that qualifies as nonconforming under Section 28-139, a digital sign must comply with sign face size restrictions set forth in Section 28-142. A nonconforming sign may not be enlarged beyond its present size without forfeiting its nonconforming status.
- (10) A digital sign may not be within 2000 feet of another off-premise digital sign facing the same traveled way. In no case shall an off-premise digital sign be in a line of sight with another off-premise digital sign. Spacing requirements for off-premise digital signs in relation to other classifications of signs shall comply with Section 28-136.
- (11) The height of a digital sign must comply with Section 28-137. On existing structures that qualify as nonconforming under Section 28-139, digital sign displays may replace the existing static display.

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(c) Digital Sign Classifications

- (1) Existing Sign means a currently erected sign whose components need only minimal modification to display digital signs. Sign operators may replace the sign faces of existing signs with digital sign faces subject to the conversion ratios of Table 1 or Table 2.
- (2) New Sign means a digital sign erected on a site devoid of a sign or a digital sign placed on a currently erected sign structure supporting a sign that requires significant modification to support a digital sign. Sign operators may replace the sign faces of new signs with digital sign faces subject to the conversion ratios of Table 1 or Table 2 and the relocation provisions of Section 28-97. In no event shall a new digital sign be constructed in an area prohibited by current zoning district boundaries.
- (3) Corridor Sign means an existing sign that qualifies as nonconforming sign under Section 28-139 and whose components need only minimal modification to display digital signs. Sign operators may replace the sign faces of existing nonconforming signs with digital sign faces subject to the conversion ratios of Table 1 or Table 2.
- (d) An off-premise digital sign permit shall be issued for existing signs, new signs, and corridor signs subject to the conversion ratios of Table 1 or Table 2 and Section 28-93, provided that there is no limit to the number of signs that may be converted to digital signs. All applications for an off-premise digital sign permit must identify the number of demolition permit numbers for billboards set out in Table 1 or Table 2. The off-premise digital sign permit may be issued only after removal of the existing registered billboards in accordance with the conversion ratios in Table 1 or Table 2. Demolitions occurring prior to the effective date of this Ordinance shall not be allowed to be counted for removal purposes under this subsection.
- (e) The City of San Antonio, through appropriate personnel, may exercise its police powers to protect public health, safety, and welfare by requiring emergency information to be displayed via digital signs. Upon notification, the sign operators shall display in appropriate sign rotations: Amber Alert emergency information or emergency information regarding terrorist attacks, or natural disasters. Emergency information messages are to remain in rotation according to the designated issuing agencies protocols.

TABLE 1
CONVERSION REQUIREMENTS
FOR DIGITAL BULLETIN DISPLAYS (Up to 672 Sq. Ft. per structure)

<u>Square Feet</u>	<u># of structures</u>	<u>Structure Description</u>	<u>Requires Faces to be Removed</u>	<u>Removals Sq. Ft. Removed</u>	<u>New Digital Sign Bulletin Faces To Gain (1 digital sign face per structure) (672 Sq. Ft.)</u>	<u>Sq. Ft. Permitted</u>

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(72 Sq. Ft.) 8-Sheet.	19	19 single face structures	19	1,368	1	672
	9	9 double face structures	18	1,296	1	672
	5	5 quad structures	20	1,440	1	672
(288 Sq.Ft.) 30-Sheet	3	2 double face structures / 1 single face structure	5	1,440	1	672
	5	5 double face structures	10	2,880	2	1,344
(300 Sq. Ft.) 10 x 30	3	2 double face structures / 1 single face structure	5	1,500	1	672
	6	4 double face structures / 2 single faced structures	10	3,000	2	1,344
(378 Sq. Ft.) 10.6 x 36	4	4 single face structures	4	1,512	1	672
	4	4 double face structures	8	3,024	2	1,344
(400 Sq. Ft.) 10 x 40	4	4 single face structures	4	1,600	1	672
	4	4 double face structures	8	3,200	2	1,344
(672 Sq. Ft.) 14 x 48	3	3 single face structures	3	2,016	1	672
	3	3 double face structures	6	4,032	2	1,344
(1,200 Sq. Ft.) 20 x 60	1	1 single face structure	1	1,200	1	672
	1	1 double face structure	2	2,400	2	1,344

TABLE 2
CONVERSION REQUIREMENTS
FOR DIGITAL POSTING DISPLAYS (Up to 300 Sq. Ft. per structure)

Square Feet	# of structures	Structure Description	Requires Faces to be Removed	Removals Sq. Ft. Removed	New Digital Sign Bulletin Faces To Gain (1 digital sign face per structure)	Sq. Ft. Permitted
(72 Sq. Ft.) 8-Sheet.	8	8 single face structures	8	576	1	300
	12	8 single face structures / 4 double face structures	16	1,152	2	600
(288 Sq.Ft.) 30-Sheet	2	2 single face structures	2	576	1	300
	2	2 double face structures	4	1,152	2	600
(300 Sq. Ft.) 10 x 30	2	2 single face structures	2	600	1	300
	2	2 double face structures	4	1,200	2	600
(378 Sq. Ft.) 10.6 x 36	2	2 single face structures	2	756	1	300
	3	3 double face structures	6	2,268	3	900
(400 Sq. Ft.) 10 x 40	2	2 single face structures	2	800	1	300
	2	2 double face structures	4	1,600	2	600

Notes for Table 1 and Table 2:

- Structures larger than 10 X 40 are not permitted to be used for digital sign posting sized units (300 Sq. Ft.).
- Any other sign display size will be permitted at the lower designated classification as noted above.
- All signs permitted to be used to meet the conversion ratios must be physically completed sign structures with a complete sign face. No partially erected/completed signs may be use to meet the conversion ratios.
- Only one digital sign face shall be allowed per structure.

Secs. 28-126- 28-125-28-135. Reserved.

SECTION 5. Chapter 28, Article VIII, entitled "Amortization Plan for Non-Conforming Signs" of the City Code of San Antonio, Texas, is hereby repealed in its entirety.

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SECTION 6. The Director of Development Services is hereby authorized to issue a total of fifteen (15) off-premise digital sign permits. Said permits shall not be transferable during this period. Allocation of these permits shall be made by the following matrix:

Market Share	Maximum Permits under the 1 Year Period
0%-1.3%	0
>1.3%-85%	1
>85%	12

The Director of Development Services is directed to develop and present a study/report to City Council summarizing the impact these signs have had on health, safety, and welfare during a one (1) year period. The period shall commence when at least one (1) off-premises digital sign is operational. The study/report shall be presented to City Council ninety (90) days prior to the expiration of the one (1) year period. The report shall include the number of permits, the name listed on the issued permit, the location, the take-downs, and other pertinent information. The Director of Development Services may establish forms and procedures to carry out this directive.

SECTION 7. A violation of this Ordinance is subject to the penalties and provisions of Chapter 28, Signs and billboards, Section 28-15, Violations; penalties; civil remedies; nuisance signs; removal; reclaiming.

SECTION 8. This Ordinance shall not be construed so as to supersede the "Agreement for carrying out National policy relative to control of outdoor advertising in areas adjacent to the National System of Interstate and Defense Highways and the Federal-Aid Primary System" between the Federal Highway Administration and the State of Texas entered into the 2nd day of May, 1972 and subsequent supplements; applicable provisions of the Texas Transportation Code and Administrative regulations thereunder.

SECTION 9. Should any Article, Section, Part, Paragraph, Sentence, Phrase, Clause, or Word of this Ordinance, or any appendix thereof, for any reason, be held illegal, inoperative, or invalid or if any exception to or limitation upon any general provision herein contained be held to be unconstitutional or invalid or ineffective, the remainder shall, nevertheless, stand effective and valid as if it had been enacted and ordained without the portion held to be unconstitutional or invalid or ineffective.

SECTION 10. All other provisions of Chapter 28, City Code of San Antonio, Texas, remain in full force and effect except as expressly amended and adopted by this Ordinance.

SECTION 11. The publishers of the City Code of San Antonio, Texas, are authorized to amend said Code to reflect the changes adopted herein, to correct typographical errors and to index, format and number paragraphs to conform to the existing code.

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SECTION 12. There is no financial impact as a result of the passage of this Ordinance.

SECTION 13. The City Clerk for the City of San Antonio is hereby directed to publish notice of this Ordinance in a newspaper published in the City of San Antonio, Texas, as required by the Charter of the City of San Antonio.

SECTION 14. This Ordinance shall become effective on the xx day of November, 2007.

PASSED AND APPROVED this xx day of November, 2007.

M A Y O R

ATTEST:

City Clerk

APPROVED AS TO FORM: _____

City Attorney

DRAFT

(b) Application. The owner of the sign must submit a digital display sign permit application for a face modification. After the building official approves the digital display sign permit, the owner must apply for a demolition permit to remove sign face area in accordance with Subsection (d). The owner must complete demolition of sign face according to the applicable ratio in Subsection (d) before the sign face is modified.

(c) Compliance required.

(1) Except as provided in this section, digital display signs must fully comply with the size, height, spacing, setback, and other restrictions in this article for detached non-premise signs.

(2) Digital display sign support structures must be built to comply with the building code.

(3) Digital display signs must comply with Title 43 Texas Administrative Code Section 21.163, "Electronic Signs," as amended.

(4) Both existing and new digital signs must comply with all lighting and safety standards mandated by federal, state, or local rules or statutes, including standards adopted or amended after the date of passage of these requirements. Lighting and safety standards include brightness; message duration; and proximity of the sign to other digital displays, ramps, and interchanges.

(d) Sign face exchange ratio.

(1) Except as provided in Paragraph (2), for every one square foot of sign face modified to use digital display technology, three square feet of detached non-premise sign face area must be removed from within the city.

(A) To receive credit for the area of a conventional face removed, the conventional sign face removed must result in elimination of a sign structure (if a face is removed from a structure, the entire structure must be removed).

(B) At least one structure removed must be within a five mile radius of the conventional face being converted.

(C) No credit is given for the area of the conventional face removed to convert to a digital display.

(D) Removal of sign face area must be completed before modification of sign area to use digital display technology.

(2) A company holding a valid state advertising license and that maintains 61 or fewer registered expressway non-premise signs on January 1, 2011 shall be allowed one sign face modification without complying with Paragraph (1). The new digital sign face may be no larger than the preexisting conventional sign face. Any subsequent modifications must comply with Paragraph (1).

(e) Location and number.

(1) A maximum of 50 non-premise locations with digital displays are permitted in the city. The director shall time stamp all applications upon receipt. The director shall review applications in order of submittal. If the director determines that an application is incomplete or does not meet the requirements of this section, the director shall reject the application and then review the next application. If the initial number of applications exceeds the number of permits available, the director shall provide for a lottery to distribute the permits.

(2) Digital display signs may only be expressway signs.

(3) For support structures with only one digital display sign, signs must be located a minimum of 1,500 feet from any other digital display sign oriented to the same traffic direction along the main travel lanes of the expressway, measured linearly. For support structures with two digital display signs, signs must be located a minimum of 2,000 feet from any other digital display sign along the same expressway, measured linearly.

(4) Digital display signs may not be located within 300 feet of any lot located in a residential district, measured from the sign face only in the direction the sign face is oriented.

(5) Digital display signs may not be located within 2,000 feet of the Trinity River, measured from the center line of the Trinity River. For purposes of this paragraph, the term "Trinity River" means the portion of the river south of the confluence of the Elm and West Forks as depicted on the most recent version of the flood insurance rate maps published by the Federal Emergency Management Agency.

(6) Digital display signs may not be located within 500 feet of a lot in a historic district or the escarpment zone.

(7) Digital display signs may not be located within 500 feet of an escarpment zone.

(f) Digital display sign support structures.

(1) Digital display sign support structures may not exceed an overall height of 50 feet or 42.5 feet above the nearest point on the nearest travel surface of the nearest expressway, whichever is higher, except that no digital display sign may be higher than the conventional sign it replaced.

(2) On support structures with two sign faces:

(A) If existing faces are pivoted at an angle of 10 degrees or greater from each other and toward the main travel lanes of an expressway, one or both sign faces may be converted to digital display.

(B) If existing faces are pivoted at an angle of less than 10 degrees, only one face may be converted to a digital display. The other sign face must be removed.

(3) Sign support structures and faces being converted to accommodate digital displays may not be modified to change the angle of a sign face.

(4) Electrical service to sign support structures with digital displays must be underground between the property line and the sign.

(g) Display.

(1) All digital displays signs must automatically adjust the sign brightness so that the brightness level of the sign is no more than 0.3 footcandles over ambient light conditions at a distance of 250 feet from the sign. A digital display sign must be equipped with both a dimmer control and a photocell that automatically adjusts the display's intensity according to natural ambient light conditions.

(2) A digital display may not increase the light level on a lot in a residential district over ambient conditions without the digital display, measured in footcandles at the point closest to the sign that is five feet inside the residential lot and five feet above the ground.

(3) Before the issuance of a digital display sign permit, the applicant shall provide written certification from the sign manufacturer that:

(A) the light intensity has been factory programmed to comply with the maximum brightness and dimming standards in this subsection; and

(B) the light intensity is protected from end-user manipulation by password-protected software or other method satisfactory to the building official.

(h) Change of message. Changes of message must comply with the following:

(1) Each message must be displayed for a minimum of eight seconds.

(2) Changes of message must be accomplished within two seconds.

(3) Changes of message must occur simultaneously on the entire sign face.

(4) No flashing, dimming, or brightening of message is permitted except to accommodate changes of message.

(i) Malfunction. Digital display sign operators must respond to a malfunction or safety issue within one hour after notification and must remedy that malfunction or safety issue within 12 hours after notification. In case of sign malfunction, the digital display must freeze until the malfunction is remedied.

(j) Display of emergency information. The city may exercise its police powers to protect public health, safety, and welfare by requiring emergency information to be displayed on digital display signs. Upon notification, the sign operators shall display: Amber Alerts, Silver Alerts, information regarding terrorist attacks, natural disasters, and other emergency situations in appropriate sign rotations. Emergency information messages must remain in rotation according to the issuing agency's protocols.

(k) Sunset. This section expires on August 1, 2014, unless re-enacted with amendment before that date. The city plan commission and city council shall review this section before its expiration date."

SECTION 2. That Paragraph 303.5.5, Sign Fees," of Subsection 303.5, "Other Fees," of Section 303, "Fees," of Subchapter 3, "Permits and Inspections," of Chapter 52, Administrative Provisions of the Construction Codes," is amended by adding a new Subparagraph 303.5.5.4, "Annual Registration Fee for a Detached Non-Premise Digital Display Sign," to read as follows:

"303.5.5.4 Annual registration fee for a detached non-premise digital display sign. The annual registration fee for a permit for a detached non-premise digital display sign under Dallas Development Code Section 51A-7.308 is \$2,000 per digital sign face."

SECTION 3. That a person violating a provision of this ordinance, upon conviction, is punishable by a fine not to exceed \$2,000.

SECTION 4. That Chapter 51A of the Dallas City Code shall remain in full force and effect, save and except as amended by this ordinance.

SECTION 5. That the terms and provisions of this ordinance are severable and are governed by Section 1-4 of Chapter 1 of the Dallas City Code, as amended.

SECTION 6. That this ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so ordained.

APPROVED AS TO FORM:

THOMAS P. PERKINS, JR., City Attorney

By _____
Assistant City Attorney

Passed _____

MUNICIPALITIES IN TEXAS WITH OUTDOOR ADVERTISING DIGITAL DISPLAYS

In Operation

City

SE Texas

Beaumont

Orange

Nederland

Groves

Lumberton

Conroe

Humble

Pearland

Pasadena

Barrett

South Texas

Victoria

Corpus Christi

Brownsville

Harlingen

Mercedes

Weslaco

Laredo

San Antonio

Balcones Heights

NE Texas

Texarkana

Tyler

Kilgore

Nacogdoches

West Texas

Lubbock

Levelland

Midland

Odessa

Abilene

San Angelo

El Paso

Central Texas

Waco

Temple

Killeen

Harker Heights

Hewitt

North Texas

Sherman

Dallas

Arlington

Granbury

Wichita Falls

Texas Administrative Code

TITLE 43 TRANSPORTATION
PART 1 TEXAS DEPARTMENT OF
 TRANSPORTATION
CHAPTER 21 RIGHT OF WAY
SUBCHAPTER REGULATION OF SIGNS ALONG
I INTERSTATE AND PRIMARY
 HIGHWAYS
DIVISION 2 ELECTRONIC SIGNS

Rules

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Texas Administrative Code

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TRANSPORTATION

PART 1TEXAS DEPARTMENT OF
TRANSPORTATION**CHAPTER 21**

RIGHT OF WAY

SUBCHAPTER 1REGULATION OF SIGNS ALONG
INTERSTATE AND PRIMARY
HIGHWAYS**DIVISION 2**

ELECTRONIC SIGNS

RULE §21.251**Definition**

In this division, "electronic sign" means a sign, display, or device that changes its message or copy by programmable electronic or mechanical processes.

Source Note: The provisions of this §21.251 adopted to be effective July 1, 2011, 36 TexReg 2418

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TRANSPORTATION

PART 1TEXAS DEPARTMENT OF
TRANSPORTATION**CHAPTER 21**

RIGHT OF WAY

SUBCHAPTER IREGULATION OF SIGNS ALONG
INTERSTATE AND PRIMARY
HIGHWAYS**DIVISION 2**

ELECTRONIC SIGNS

RULE §21.252**Department Determination**

The department has determined that the use of an electronic image on a digital display device is not the use of a flashing, intermittent, or moving light for the purposes of any rule, regulation, and standard promulgated by the department or any agreement between the department and the Secretary of the United States Department of Transportation.

Source Note: The provisions of this §21.252 adopted to be effective July 1, 2011, 36 TexReg 2418

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<u>DIVISION 2</u>	ELECTRONIC SIGNS
RULE §21.253	Issuance of Permit

(a) The department will issue a permit for an electronic sign if the application for the permit:

- (1) satisfies the requirements of this division and any applicable requirements of Division 1 of this subchapter (relating to Signs); and
- (2) has attached to it:

(A) a certified copy of the permit issued by the municipality that gives permission for the electronic sign; or

(B) if the municipality does not issue permits, a certified copy of written permission for the electronic sign from the municipality.

(b) A permit from the department is required for the erection of an electronic sign even if the requested sign location is within a city certified under §21.200 of this chapter (relating to Local Control).

Source Note: The provisions of this §21.253 adopted to be effective July 1, 2011, 36 TexReg 2418

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RULE §21.254

Prohibitions

An electronic sign may not:

- (1) be illuminated by flashing, intermittent, or moving lights;
- (2) contain or display animated, moving video, or scrolling advertising;
- (3) consist of a static image projected on a stationary object; or
- (4) be a mobile sign located on a truck or trailer.

Source Note: The provisions of this §21.254 adopted to be effective July 1, 2011, 36 TexReg 2418

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RULE §21.255**Location**

(a) An electronic sign may be located, relocated, or upgraded only along a regulated highway and within:

(1) the corporate limits of a municipality that allows electronic signs under its sign or zoning ordinance; or

(2) within the extraterritorial jurisdiction of a municipality described by paragraph (1) of this subsection that under state law has extended its municipal regulation to include that area.

(b) Two electronic signs may be located on the same sign structure if each sign face is visible only from a different direction of travel. An electronic sign may not be located within 1,500 feet of another electronic sign on the same highway if facing the same direction of travel.

Source Note: The provisions of this §21.255 adopted to be effective July 1, 2011, 36 TexReg 3509

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RULE §21.256 **Modification to Electronic Sign**

A sign may be modified to be an electronic sign if a new permit for the electronic sign is obtained from both the municipality in whose jurisdiction the sign is located and the department, except that lighting may not be added to or used to illuminate a nonconforming sign.

Source Note: The provisions of this §21.256 adopted to be effective July 1, 2011, 36 TexReg 2418

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RULE §21.257**Requirements**

(a) Each message on an electronic sign must be displayed for at least eight seconds. A change of message must be accomplished within two seconds and must occur simultaneously on the entire sign face.

(b) An electronic sign must:

(1) contain a default mechanism that freezes the sign in one position if a malfunction occurs; and

(2) automatically adjust the intensity of its display according to natural ambient light conditions.

(c) If the department finds that an electronic sign causes glare or otherwise impairs the vision of the driver of a motor vehicle or otherwise interferes with the operation of a motor vehicle, the owner of the sign, within 12 hours of a request by the department, shall reduce the intensity of the sign to a level acceptable to the department.

Source Note: The provisions of this §21.257 adopted to be effective July 1, 2011, 36 TexReg 2418

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[RULE §21.258](#)**Emergency Information**

The owner of an electronic sign shall coordinate with local authorities to display, when appropriate, emergency information important to the traveling public, such as Amber Alerts or alerts concerning terrorist attacks or natural disasters. Emergency information messages must remain in the advertising rotation according to the protocols of the agency that issues the information.

Source Note: The provisions of this §21.258 adopted to be effective July 1, 2011, 36 TexReg 2418

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RULE §21.259**Contact Information**

(a) The owner of an electronic sign shall provide to the department contact information for a person who is available to be contacted at any time and who is able to turn off the electronic sign promptly if a malfunction occurs or is able to accommodate an emergency notification request from a local authority under §21.258 of this division (relating to Emergency Information).

(b) The department will share the contact information with the appropriate local authority that has jurisdiction over the location of the electronic sign.

Source Note: The provisions of this §21.259 adopted to be effective July 1, 2011, 36 TexReg 2418

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RULE §21.260**Application of Other Rules**

The requirements and other provisions of Division 1 of this subchapter (relating to Signs) apply to an electronic sign, except that if this division conflicts with a provision of Division 1 of this subchapter, this division controls.

Source Note: The provisions of this §21.260 adopted to be effective July 1, 2011, 36 TexReg 2418

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Mario Perez <mperez@cityofkyle.com>

Off Premise Digital Sign Ordinance

2 messages

Chris Stokes <costokes@lamar.com>

Mon, Sep 24, 2012 at 11:13 AM

To: Mario Perez <mperez@cityofkyle.com>, Debbie Guerra <dguerra@cityofkyle.com>
Cc: Alan Reeder <areeder@lamar.com>, Keith Kimbrough <kkimbrough@lamar.com>

Mario,

Please let me know if we can provide any assistance with drafting the city Digital Off Premise Sign Ordinance. I am sorry I was unable to attend the first meeting. I do plan on attending future meetings.

Here are my ideas concerning changes to Kyle's current sign ordinance;

Sec. 29-17. - Sign regulations relating to commercial located on Interstate 35 sign category.

(f) Existing Off-Premise signs in the IH 35 category may be converted to electronic message signs under the following conditions:

a. One or more existing off premise signs in the IH 35 category must be permanently removed.

b. The existing Off-Premise sign must conform to all applicable Texas Administrative Code provisions governing the placement and operation of Electronic Billboards.

c. The proposed electronic message sign must be at least 500' feet from any residential use.

d. The electronic message sign must automatically adjust the sign brightness so that the brightness level of the sign is no more than 0.3 foot candles over ambient light conditions at a distance of 250 feet from the sign.

Thanks,

Chris Stokes

--
H Chris Stokes
Regional Leasing
Lamar Advertising
7020 US Hwy 290 E
Austin, TX 78723
800-524-4599

Mario Perez <mperez@cityofkyle.com>
To: Chris Stokes <cstokes@lamar.com>

Mon, Sep 24, 2012 at 2:53 PM

Chris-

Staff, and the Board Members will consider the following provisions.

Thanks-
Mario
[Quoted text hidden]
--
Mario Perez, CBO
Building Official
City of Kyle
o. (512) 262-3918