

ORDINANCE NO. 2022 - 331

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DEVERS, TEXAS, PROHIBITING OFF-PREMISES BILLBOARDS AND ELECTRONIC BILLBOARDS WITHIN THE CORPORATE CITY LIMITS AND THE CITY'S EXTRATERRITORIAL JURISDICTION; PROVIDING FOR SEVERABILITY; PROVIDING FOR A FINE NOT TO EXCEED \$500.00 FOR EACH DAY IN VIOLATION OF THIS ORDINANCE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Devers (the "City") is a Type B, general law municipality and has the authority to adopt an ordinance in accordance with Chapter 216 of the Texas Local Government Code; and

WHEREAS, Chapter 216 of the Texas Local Government Code specifically authorizes municipalities to regulate relocation, reconstruction, or removal of any sign, including billboards, within the municipality's corporate limits and extraterritorial jurisdiction; and

WHEREAS, the City Council has determined that it is in the best interest of the City and its residents to establish billboard regulations as provided for in this Ordinance to promote the health, safety, and general welfare of the City and the safe, orderly, and aesthetic development of the City.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DEVERS, TEXAS THAT:

SECTION 1. The statements provided in the caption and the recitals are true and correct and are incorporated herein and made a part of this Ordinance.

SECTION 2. The City of Devers' Code of Ordinances is hereby amended to include the additions as set forth below:

SECTION 1. BILLBOARD REGULATIONS

Sec. 1.01 Title. These regulations shall officially be known, cited, and referred to as the billboard regulations of the City of Devers, Texas.

Sec. 1.02 Definitions. For purposes of this chapter, the following terms have these specially defined meanings:

"Billboard" means a permanent structure sign which meets any one or more of the following criteria: a) it is used for the display of off-site commercial messages; b) it is used for general advertising for hire; c) it functions as a principal or separate principal use of the land on which it is located, in contrast to functioning as an accessory or auxiliary to a principal use which is not a sign. The term "billboard" applies to all physical parts of the sign, including display faces,

structure, support poles, attached ladders, attached catwalks, and appurtenant lighting systems, and visual display systems.

"Electric billboard," means a sign fitting the definition of "billboard" above and which uses electronic technology that is capable of displaying changeable or intermittent images, such as by turning on or off various lighting elements. The term includes 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, or which changes the visual image more than one time per twenty-four-hour period. The term includes display technology such as LED (light emitting diode) or digital displays which can vary in color or intensity, or any system which is functionally equivalent even if the message is static. The term also includes any display, or device, which changes the "static" message or copy on the sign, in "slide show" fashion, by electronic means.

"Off-premises sign," means a sign displaying a commercial message that pertains to a business, person, organization, activity, event, place, service or product not principally located, or primarily manufactured, or sold on the premises on which the sign is located.

"On-premises sign," means a freestanding sign identifying or advertising a business, person, or activity, and installed and maintained on the same premises as the business, person, or activity.

Sec. 1.03 Billboard Regulation.

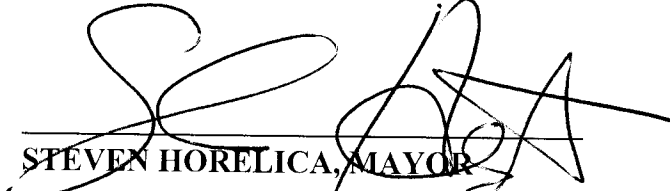
- A. This chapter shall apply to the area within the corporate limits of the City of Devers, Texas, (the "city") and in the extraterritorial jurisdiction of the city pursuant to Sections 216.003 and 216.902 of the Texas Local Government Code. This chapter does not apply to on-premises billboards or electronic billboards within the corporate limits of the city, nor does it apply to on-premises billboards in the extraterritorial jurisdiction of the city.
- B. No person shall hereafter erect, construct, reconstruct, alter, repair, locate or relocate a billboard or an electronic billboard within the regulated portions of the city or its extraterritorial jurisdiction. Nothing in this chapter shall be interpreted or construed to conflict with Texas Election Code 259.003 (Regulation of Political Signs by Municipality).
- C. Billboards and electronic billboards which are outside the regulatory scope of this chapter or the jurisdiction of the city may be subject to other laws, rules, regulations and policies.
- D. The city will assess a fine not to exceed \$500.00 per day against any person(s) for each day in violation of these billboard regulations pursuant to Sec. 54.002 of the Texas Local Government Code.

SECTION 3. All ordinances or parts of ordinances inconsistent or in conflict herewith are, to the extent of such inconsistency or conflict, hereby repealed.

SECTION 4. In the event any clause, phrase, provision, sentence, or part of this Ordinance or the application of the same 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 declared to be invalid or unconstitutional; and the City Council declares that it would have passed each and every part of the same notwithstanding the omission of any such part.

SECTION 5. This Ordinance shall become effective in accordance with the laws governing ordinances. The City Secretary is authorized to publish a summary of the Ordinance along with the penalty in accordance with the City of Devers' Code of Ordinances and State law.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Devers, Texas this the 8th day of March, 2022.


STEVEN HORELICA, MAYOR

ATTEST:



Kristi Ayers, City Secretary