

**CITY OF SANDY OAKS, TEXAS**

**ORDINANCE NO. 2021-188**

**AN ORDINANCE OF THE CITY OF SANDY OAKS, TEXAS PROVIDING FOR REGULATIONS OF BILLBOARDS, ELECTRONIC BILLBOARDS, AND NONCONFORMING BILLBOARDS AND ELECTRONIC BILLBOARDS; PROVIDING FOR VIOLATION AND PENALTIES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR AN EFFECTIVE DATE; AND PROVIDING FOR PUBLICATION.**

**WHEREAS**, the City Council of the City of Sandy Oaks, Texas finds it to be in the best interest of the public safety, health and general welfare to regulate billboards and electronic billboards within the City; and

**WHEREAS**, the City Council has determined that the following regulations maintain and enhance the aesthetic environment, lessen unnecessary visual clutter that competes for the attention of 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, and protect property values by regulating billboards and electronic billboards within the City and the City's extraterritorial jurisdiction ("ETJ"); and

**WHEREAS**, the City Council is authorized to regulate signs, including billboards, within the corporate limits of the City and its ETJ by virtue of the Texas Constitution, the City's police power and by the Texas Local Government Code Chapters 51, 54, 211, and 216 and Texas Administrative Code Title 43; and

**WHEREAS**, the City Council finds it in the best interest of the City of Sandy Oaks to adopt this ordinance regulating billboards and electronic billboards within the City limits and prohibiting such billboards and electronic billboards in the City's ETJ;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SANDY OAKS, TEXAS THAT:**

**SECTION 1. FINDINGS.** The findings set out herein are found to be true and correct and are hereby adopted by the City Council and made a part of this Ordinance for all purposes.

**SECTION 2. DEFINITIONS.**

*Billboard:* An off-premises sign on which the message or copy can be changed periodically through manual means.

*Changeable electronic variable message (CEVM):* An off-premises sign on which the message or copy can be electronically changed by remote or automatic means.

*Electronic Billboard:* An off-premises sign on which the message or copy can be electronically changed by remote or automatic means.

*Off-premises sign:* A sign which advertises or directs attention to a business, product, service, or activity which is not usually available on the premises where the sign is located.

*On-premises sign:* A sign which advertises or directs attention to a business, product, service or activity which is usually available on the premises where the sign is located.

*Sign:* Any structure, object, device, display or advertising artwork, situated outdoors or in a window, visible from a public or private street or alley, which is used entirely or in part to advertise, display, direct or attract attention to an object, person, institution, organization, business, product, service, event or location by any means, including words, letters, figures, designs, logos, fixtures, colors, illumination or projected images.

*Sign face:* That portion of the sign that is or can be used to identify, display, advertise, or communicate information, or for a visual representation which attracts or intends to attract the attention of the public for any purpose.

*Sign height:* The vertical distance between the highest point of the sign or its supporting structure and the natural grade directly below the sign.

### **SECTION 3. BILLBOARDS AND ELECTRONIC BILLBOARDS (CEVM).**

- (A) *Prohibition.* Billboards and electronic billboards/CEVMs are hereafter prohibited in the City of Sandy Oaks' ("City") extra territorial jurisdiction (ETJ) but may be located within the City limits in accordance with the City's Zoning Ordinance and in compliance with the following restrictions. All such signs must be placed in conformity with state and federal regulations, even if such are more restrictive than the following regulations.
- (B) *Restrictions.* Billboards and electronic billboards/CEVMs may be located in accordance with the City Zoning Ordinance, and must comply with the following restrictions:
  - (1) *Height.* No billboard or electronic billboards/CEVMs other than billboards or electronic billboards/CEVMs located on property fronting on Interstate Highway 37/US Highway 281 may exceed 30 feet in height. Billboards located on property fronting on Interstate Highway 37/US Highway 281 may not exceed 60 feet in height.
  - (2) *Setback and side yard requirements.* A billboard or electronic billboard/CEVM must be installed in such a manner as to comply with the same yards and setbacks required for buildings or other structures in the zoning district in which it is located. No portion of the billboard or electronic billboards/CEVM or its support shall be closer than 200 feet from the boundary of a property used for residential purposes or zoned residential.

- (3) *Limits of sign faces.* A billboard or electronic billboards/CEVM shall be limited to a single face viewed from any one direction. The use of a double-faced billboard (side-by-side or stacked) is prohibited.
  - (4) *Maximum sign area.* The total area of each sign face of a billboard or electronic billboard shall not exceed the following:
    - a. 952 square feet for a billboard or electronic billboard located on property fronting Interstate Highway 37/US Highway 281.
    - b. 200 square feet for a billboard or electronic billboard located on property fronting a street other than Interstate Highway 37/US Highway 281.
  - (5) *Minimum separation.* No billboard or electronic billboard/CEVM sign may be installed within 1500 feet of an existing billboard or electronic billboard/CEVM sign or property zoned with a specific use permit for location of a billboard or electronic billboard located on the same side of the street.
- (C) *Replacement Billboards and Electronic Billboards.* The following rules shall apply to replacement of billboards and electronic billboards in the City and the City's ETJ:
- (1) An existing billboard may be replaced one time by a billboard.
  - (2) An electronic billboard may be used to replace an existing billboard or electronic billboard one time, provided that the person seeking to replace the existing billboard or electronic billboard removes two other billboards, electronic billboards, or combination thereof which are located within the City.
- (D) *Annexation.* In addition, any land which is in the City's ETJ as of the effective date of this ordinance and henceforth and is subsequently annexed by the City shall remain subject to the billboard and electronic billboard prohibition under this ordinance regardless of any zoning classification established for said land. Any billboard or electronic billboard which was legally in existence on any property prior to annexation of said property into the City limits or prior to the expansion of the City's ETJ shall become non-conforming and shall be subject to Section 4 herein.
- (E) *Compliance.*
- (1) *Permits required.*
    - a. A sign permit and a specific use permit with term shall be required prior to constructing any new billboard or electronic billboard or modifying any legally conforming billboard, all of which shall be in compliance with the requirements set forth herein. The requirement of a specific use permit with term shall apply notwithstanding zoning district regulations or any other provisions in City ordinances.



- b. A new sign permit and a new specific use permit with term for a billboard or electronic billboard must identify the proposed location by latitude and longitude coordinates.
  - c. An application for a specific use permit with term under this Subsection shall be subject to the rules and procedures set out in the City's Zoning Ordinance. A majority vote of the City Council is required to pass an ordinance granting a specific use permit with term under this Subsection.
  - d. In no case shall a billboard or electronic billboard/CEVM be allowed in an area in which billboards or electronic billboards/CEVMs are prohibited by zoning district regulations.
- (F) *Lighting.* Exterior lighting shall be shielded to prevent glare. No external lighting shall be used to illuminate an electronic billboard or nonconforming billboard or electronic billboard.
- (G) *Non-conforming billboards.* Any legally existing billboard or electronic billboard which does not comply with these restrictions shall become a non-conforming billboard or non-conforming electronic billboard and shall be regulated in conformance with Section 4 herein. A non-conforming billboard may not be enlarged beyond its present size or modified to an electronic billboard without forfeiting its non-conforming status.
- (H) *Requirements related to Electronic billboards/CEVMs.*
  - (1) All electronic billboards are subject to the restrictions and requirements and set forth above in addition to any restrictors of regulations specified herein.
  - (2) *Prohibitions.* An electronic billboard:
    - a. Shall not contain, display, or be illuminated by flashing, intermittent, or moving lights;
    - b. Shall not contain or display animated, moving video, or scrolling advertising;
    - c. Shall not consist of a static image projected upon a stationary object; and
    - d. Shall not be a portable sign.
  - (3) *Operation requirements:*
    - a. An electronic billboard shall display static messages only in compliance with the following:
      - i. The dwell or hold time of each message, defined as the interval between each message change, shall be at least eight seconds.
      - ii. Each message change must be accomplished within two seconds or less and must occur simultaneously on the entire sign face.
    - b. An electronic billboard shall not be configured to resemble or simulate a warning or danger signal or any official lights or signs used to control traffic.

- c. An electronic billboard shall not display light of such intensity to cause glare, impair vision, or otherwise result in a nuisance to the public.
- d. An electronic billboard shall not interfere with the effectiveness of any official traffic sign, signal or device.
- e. An electronic billboard shall not contain flashing lights.
- f. An electronic billboard shall be equipped with both a dimmer control or other such electronic control and a photocell or other such automatic control, which will produce the required illumination change according to natural ambient light conditions.
- g. An electronic billboard shall contain a default mechanism that will freeze the sign in one position if a malfunction occurs.

(G) *Emergency notification.*

- (1) The City of Sandy Oaks, through appropriate personnel, may protect public health, safety, and welfare by requiring emergency information to be displayed on electronic billboards.
- (2) The owner of the electronic billboard shall coordinate with the City of Sandy Oaks to display, when appropriate, emergency information important to the traveling public, such as Amber Alerts or alerts concerning terrorist attacks or natural disasters.
- (3) Upon notification, the operator of an electronic billboard shall display emergency information such as Amber Alert notices or other public safety alerts as described above.
- (4) The owner of an electronic billboards shall provide the City with the name of the contact person and phone number in case of malfunction or emergency notification request.
- (5) Emergency information messages are to remain in rotation according to the protocols of the designated issuing agency.

#### **SECTION 4. NONCONFORMING BILLBOARDS AND ELECTRONIC BILLBOARDS.**

- (A) *Nonconforming billboards and electronic billboards defined.* Nonconforming billboards or nonconforming electronic billboards are those which do not comply with the intent and regulations of this ordinance and the City's Zoning Ordinance. Any billboard or electronic billboard which existed at the time of adoption of this ordinance and the City's Zoning Ordinance that was legally erected prior to enactment of this ordinance and the City's Zoning Ordinance but fails to conform to the provisions specified herein shall be regarded as a nonconforming sign, which may remain in place so long as it is kept in good repair and maintained in a safe condition.
- (B) *Loss of legal nonconforming status.* A nonconforming billboard or nonconforming electronic billboard shall immediately lose its nonconforming designation and must be brought into compliance with these regulations, or be removed, if:

- (1) The sign is replaced; but not including the replacement of the face(s) to accommodate a new business, express a different message, or upgrade conditions and appearance of the sign.
- (2) The sign is relocated.
- (3) The sign is part of an establishment that discontinues its operation for a period of six months.
- (4) The sign is damaged or structurally altered to an extent greater than 50 percent of the current estimated replacement value.

**SECTION 5. VIOLATION AND PENALTIES.** Except as otherwise provided by State law, any person violating any provision of this Ordinance shall be deemed guilty of a misdemeanor and shall be punished by a fine not to exceed TWO THOUSAND DOLLARS AND NO/100 (\$2,000.00). Each occurrence shall be deemed to be a separate violation. Each day that a violation is permitted to exist shall constitute a separate offense.

**SECTION 6. SEVERABILITY.** It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs, and sections of this Ordinance are severable and if any phrase, clause, sentence, paragraph, or section of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this Ordinance since the same would have been enacted by the City Council without the incorporation in this Ordinance of any such unconstitutional phrase clause sentence paragraph or section.

**SECTION 7. EFFECTIVE DATE.** This Ordinance shall take effect immediately upon its publication as required by section 52.011 of the Local Government Code.

**SECTION 8. PUBLICATION.** The City Clerk is hereby authorized and directed to publish the caption of this Ordinance together with the penalty provision contained therein the manner and for the length of time prescribed by law.

**PASSED, APPROVED AND ADOPTED THIS 31st day of August, 2021.**

**CITY OF SANDY OAKS, TEXAS**

  
Micki L. Ball, Mayor

**ATTEST:**

  
Charlotte Rabe, City Clerk