

**ORDINANCE NO 88**

**CITY OF PATTISON, TEXAS**

**CEVMS SIGN ORDINANCE**

**AN ORDINANCE TO DEFINE CHANGEABLE ELECTRONIC VARIABLE MESSAGE SIGN (CEVMS); AND TO PROHIBIT CEVMS WITHIN THE CITY AND ITS EXTRATERRITORIAL JURISDICTION; PROVIDING FOR AN EFFECTIVE DATE; REPEALER; SEVERABILITY; AND PROPER NOTICE AND MEETING.**

**WHEREAS,** the City Council of the City of Pattison is of the opinion that outdoor advertising signs tend to deface nearby scenery, whether natural or built, rural or urban; and

**WHEREAS,** the City Council has determined that changeable electronic variable message signs, pose a distraction to persons operating vehicles on public streets and roadways; and

**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; and

**WHEREAS,** the City Council has determined that the following regulations 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 matter 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.

**WHEREAS,** the city council has determined that the existence of changeable electronic variable message signs (CEVMS), as defined herein, are inconsistent with the above-stated opinions and determinations; and

**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;

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

### **1. FINDINGS OF FACT**

All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council, and are hereby approved and incorporated into the body of this Ordinance as if copied in their entirety.

### **2. REGULATIONS**

#### **CEVM Signs**

(a) For the purpose of this Section, a *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.

(b) From and after the effective date of this Ordinance, no CEVMS shall be allowed within the City limits or extraterritorial jurisdiction of the City. Community Service Signs and Governmental Signs are exempt from this prohibition.

### **3. EFFECTIVE DATE**

This Ordinance shall be and become effective immediately upon and after its passage and publication as may be required by governing law.

### **4. REPEALER**

All ordinances or parts of ordinances in force when the provisions of this Ordinance becomes effective which are inconsistent or in conflict with the terms and provisions contained in this Ordinance are hereby repealed only to the extent of such conflict.

### **5. SEVERABILITY**

Should any part, sentence or phrase of this Ordinance be determined to be unlawful, void or unenforceable, the validity of the remaining portions of this Ordinance shall not be adversely affected. No portion of this Ordinance shall fail or become inoperative by

reason of the invalidity of any other part. All provisions of this Ordinance are declared to be severable.

### 6. PROPER NOTICE AND MEETING

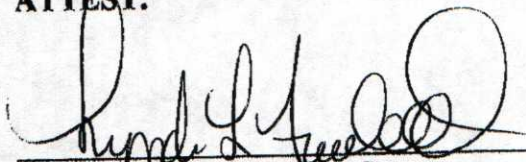
It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code.

PASSED AND ADOPTED, EFFECTIVE THE 10 day of June, 2008.

CITY OF PATTISON, TEXAS

  
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Bill Mathews, Mayor

ATTEST:

  
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Lynda L. Fairchild, City Secretary