

AN ORDINANCE AMENDING CHAPTER 23, "PLANNING AND COMMUNITY DEVELOPMENT," SUBPART C, "SIGNS AND BILLBOARDS," OF THE ABILENE MUNICIPAL CODE, BY AMENDING CERTAIN SECTIONS AS SET OUT BELOW; PROVIDING A SEVERABILITY CLAUSE; DECLARING A PENALTY AND CALLING A PUBLIC HEARING.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS:

PART 1: That Chapter 23, Subpart C, "Signs and Billboards," of the Abilene Municipal Code be amended as set out in Exhibit "A," attached hereto and made a part of this ordinance for all purposes.

PART 2: That if any provision or any section of this ordinance shall be held to be void or unconstitutional, such holding shall in no way affect the validity of the remaining provisions or sections of this ordinance, which shall remain in full force and effect.

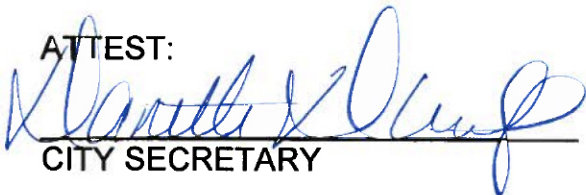
PART 3: That any person, firm or corporation violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not more than Five Hundred Dollars (\$500.00). Each day such violation shall continue or be permitted to continue, shall be deemed a separate offense.

PASSED ON FIRST READING this 23rd day of October A.D. 2008.

A notice of the time and place, where and when said ordinance would be given a public hearing and considered for final passage, was published in the Abilene Reporter-News, a daily newspaper of general circulation in the City of Abilene, said publication being on the 15th day of October, 2008, the same being more than fifteen (15) days prior to a public hearing to be held in the Council Chamber of the City Hall in Abilene, Texas, at 8:30 a.m., on the 6th day of November, 2008, to permit the public to be heard prior to final consideration of this ordinance. Said ordinance, being a penal ordinance, becomes effective ten (10) days after its publication in the newspaper, as provided by Section 19 of the Charter of the City of Abilene.

PASSED ON SECOND AND FINAL READING THIS 6th day of November, A.D. 2008.

ATTEST:


CITY SECRETARY


MAYOR

APPROVED:


CITY ATTORNEY

Add the following definition to Section 23-128(A) and renumber accordingly:

(7) Electronic Message Sign. A sign whose informational content can be changed or altered on a fixed display screen composed of electrically illuminated segments, including LED (light emitting diode) signs, television screens, plasma screens, video boards, or other digital signs.

Rename "Article IV. Portable Signs" to "Article IV. Regulation of Other Signs"

Add the following as a new Section 23-172:

Section 23-172 Special Regulations for Electronic Message Signs

In addition to any other requirements of this Chapter, Electronic Message Signs shall adhere to the following requirements:

- A. Operational limitations for on-premise signs over 75 square feet in area or any off-premise sign.
 - (1) Such signs shall contain static messages only and shall not have movement, or the appearance or optical illusion of movement, of any part of the sign or sign structure, including the movement or appearance of movement of any illumination or the flashing, scintillating, or varying of light intensity.
 - (2) Minimum display time. Each message on the sign must be displayed for a minimum of eight seconds.
 - (3) Transition. The transition from one sign message to another must occur within two seconds and may not include flashing or appearance of motion, with the exception of a fade out or in, dissolve, or scroll that must be accomplished within the transition period.
- B. Operational Limitations for all signs.
 - (1) Limitations. All such signs shall have no flashing or full motion video.
 - (2) Unless permitted as an off-premise sign, such signs shall not include off-premise advertising messages.
- C. Sign face limitations.
 - (1) Each sign structure is limited to not more than two sides with one sign face per side.
 - (2) The entire sign face must comply with the operation limitations defined above and a sign face may not be apportioned into separate areas each acting as a separate sign face under these restrictions.
- D. Brightness.
 - (1) All such signs shall be equipped with light sensing devices or a scheduled dimming timer that will automatically dim the intensity of the light emitted by the sign during ambient low-light conditions and at night so that the sign does not exceed the maximum brightness levels allowed in this section.
 - (2) Maximum brightness shall not exceed 7,000 nits when measured from the sign's face at its maximum brightness during daylight hours and shall not exceed 1,000 nits when measured from the sign's face at its maximum brightness at night.
 - (3) If such sign is located within 100 feet of a property with residential zoning, the sign must be oriented such that no portion of the electronic sign face is visible from a

residentially-zoned property or the brightness is reduced to no more than 250 nits at night.

- (4) Prior to the issuance of a permit for such sign, the applicant shall provide written certification from the sign manufacturer that the light intensity has been factory pre-set not to exceed the levels specified above.
- E. The City may order a sign's brightness reduced, its minimum display time increased, or other operational characteristics altered if the Director of Public Works, or designee, finds that it interferes with or poses a traffic safety hazard to the operation of vehicles.
- F. All such signs shall be turned off or display a blank screen when malfunctioning.