

ORDINANCE NO. 15,593

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BAYTOWN, TEXAS, AMENDING APPENDIX A "UNIFIED LAND DEVELOPMENT CODE," ARTICLE V "SIGNS," DIVISION II "ADMINISTRATION," SECTION 5.29, "ELECTIONEERING WITH PLACEMENT OF SIGNS DURING VOTING PERIODS," SUBSECTION (B)(3), "PLACEMENT AND REMOVAL OF SIGNS" TO REQUIRE COMPLIANCE WITH SECTION 5.79; AMENDING APPENDIX A "UNIFIED LAND DEVELOPMENT CODE," ARTICLE V "SIGNS," DIVISION III "REGULATIONS," SUBDIVISION IV "OFF-PREMISES SIGNS," SECTION 5.79 "NEW SIGNS," TO ALLOW CERTAIN OFF-PREMISES SIGNS WITHOUT PERMIT; PROVIDING A REPEALING CLAUSE; CONTAINING A SAVINGS CLAUSE; AND PROVIDING FOR THE PUBLICATION AND EFFECTIVE DATE THEREOF.

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

Section 1: That Appendix A "Unified Land Development Code," Article V "Signs," Division II "Administration," Section 5.29 "Electioneering with placement of signs during voting periods," Subsection (b)(3), "Placement and removal of signs" of the Code of Ordinances, Baytown, Texas, is hereby amended to read as follows:

Sec. 5.29 Electioneering with placement of signs during voting periods.

....

(b) *Public property.*

....

- (3) Placement and removal of signs. A person who chooses to electioneer by sign shall:
- a. Not place or cause the placement of a sign on public property in violation of any provision of this ULDC;
 - b. Comply with Section 5.79 of this ULDC;
 - c. Remove any said sign from a public property within 24 hours after notification from the city that a sign is in violation of this section.

Section 2: That Appendix A "Unified Land Development Code," Article V "Signs," Division III "Regulations," Subdivision IV "Off-Premises Signs," Section 5.79 "New signs," is hereby amended as follows:

Sec. 5.79. New signs.

- (a) *New off-premises signs generally prohibited.* Except as provided for in subsections (b) and (c), or otherwise allowed by state law, from and after September 28, 2023, no new construction permits shall be issued for off-premises signs and no new off-premises signs shall be allowed within the city limits. This prohibition shall apply to all classifications of signs, types of signs, and special function signs and all other signs used as off-premises signs, including portable signs, unless otherwise specified by subsection (b) or (c).
- (b) *Certain new off-premises signs permitted on public property and property used for commercial activity.* From and after September 28, 2023, no new off-premises signs shall be allowed in the city limits or in the extraterritorial jurisdiction of the city, except for signs on public property or property that is primarily used for commercial activity if the sign is:
 - (1) Attached, painted, or fastened on off-premises signs which were properly permitted on June 27, 1996, and have continuously remained permitted from and after such date; provided that such new temporary sign does not change the classification of the off-premises sign; or
 - (2) Erected for a period of no more than 7 days in a 30-day period if limited in size to no greater than four feet by eight feet or, if an overhead street banner, to the size necessary to fit the hardware on the lighting standards to which it will be attached; and
 - (3) In compliance with all other requirements of this article and of the director of parks and recreation in consultation with the city manager and other city staff.
- (c) Off-premises signs on property used for residential purposes. Nothing in Subsection (a) shall limit or affect the ability of a person to erect off-premises signs on property primarily used for residential purposes by the property owner or any person who has a legal right-of-access to the property.
- (d) *Permit not required for certain signs.* No permit as required in division 4 of this article shall be required for a sign satisfying the requirements referenced in subsection (b) or (c) herein, provided that such sign is erected and maintained in a safe condition in conformity with the building code as well as the fire prevention code and rules and regulations for fire safety promulgated by the fire marshal.
- (e) *Digital billboards.* Digital billboards are prohibited within the city limits and the extraterritorial jurisdiction of the city, provided however, that the sign administrator may issue digital billboard sign permits for the construction of new off-premises sign faces or the conversion and reconstruction of existing off-premises sign faces as authorized by this subsection upon the submission of a completed application if (i) the same are located within 200 feet of the interstate highway system, (ii) four square feet of existing off-premises sign area from existing permitted off-premises signs are removed from within the city limits for each square foot of digital billboard sign area proposed, and (iii) if all other applicable requirements have been satisfied. All such digital billboards shall be subject to this section

and all other relevant provisions of this chapter. In determining the square feet of existing off-premises sign area necessary to be removed to meet the four-to-one conversion ratio specified in this subsection, the square footage of any off-premises sign removed within 200 feet of the interstate highway system will not be counted.

- (1) *Application.* An applicant for a digital billboard must file a building permit application in accordance with section 5.17 and obtain an operating permit in accordance with section 5.18. The building permit application must identify the demolition permit numbers for existing off-premises signs. The building permit for a digital billboard may be issued only after removal of the existing permitted off-premises signs in accordance with the four-to-one conversion ratio specified in this section. In the application for a digital billboard, the sign administrator may request information necessary to ensure compliance with this subsection and shall require a certificate of compliance be included in each application for an operating permit. In the certificate of compliance, the sign operator shall warrant that it is in full compliance with this article.
- (2) *Requirements.* Sign operators installing, testing, or maintaining off-premises digital billboards shall comply with the following requirements:
 - a. *Static messages.* The digital billboard shall contain static messages only, and not have animation, movement, or the appearance or optical illusion of movement, of any part of the sign structure. Each static message shall not include flashing or the varying of light intensity.
 - b. *Dwell time.* The dwell time shall be at least eight seconds, and a change of message must be accomplished within one second or less.
 - c. *Display upon malfunction.* The digital billboard shall be operated with systems and monitoring in place to either turn the display off or freeze the display image in one position in the event of a malfunction.
 - d. *Brightness level.* The digital billboard 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 and is subject to all existing restrictions on light intensity, brilliance, or glare contained in the section 3.08(d)(1), (4), and (5) of the Unified Land Development Code.
 1. Digital billboards shall not operate at brightness levels of more than 0.3 foot candles above ambient light, as measured using a foot candle meter the following pre-set distances:

Nominal Face Size	Distance from which to be Measured
12' × 25'	150'
10'6" × 36'	200'
14' × 48'	250'

2. Prior to the issuance of a permit under this article, the applicant shall provide written certification from the sign manufacturer that the light intensity has been factory pre-set not to exceed the brightness level specified in subsection (g)(2)d.1. and that the intensity level is protected from end-user manipulation by password-protected software or other method as deemed appropriate by the sign administrator.
- e. *Dimmer.* A digital billboard must be equipped with both a dimmer control and a photocell, which automatically adjusts the display's intensity according to natural ambient light conditions.
 - f. *No resemblance to traffic control device.* The digital billboard shall not be configured to resemble a warning or danger signal, to simulate any lights or official signage used to control traffic, or to cause a driver to mistake the digital billboard for a warning or danger signal.
 - g. *Dimensions.* Off-premises digital billboard sign area may have dimensions of up to 672 square feet and otherwise subject to section 5.54.
 - h. *Spacing requirements.*
 1. A digital billboard may not be located within 1,500 feet of another digital billboard facing the same traveled way or within the distance specified in section 5.80(4) of another off-premises sign, which is facing the same traveled way and is not classified as a digital billboard.
 2. Notwithstanding subsection (g)(2)h.1., a digital billboard may be located on the same sign structure as another digital billboard or off-premises sign if each sign face is visible only from a different direction of travel; provided, there are no more than two sign faces on a single sign structure.
 - i. *Public safety/emergency notices.* The city, through appropriate personnel, may exercise its police powers to protect public health, safety, and welfare by requiring emergency information to be displayed via digital billboards. Emergency information includes, but is not limited to, AMBER Alerts, FBI wanted messages, dangerous criminal alerts, fugitives from justice, weather alerts, and emergency management information. Upon notification and at


no cost to the city, the sign operator shall exclusively display the emergency alert for the period of one hour, which may be extended by the city. Thereafter, emergency alerts are to remain in rotation according to the designated issuing agencies protocols.

Section 3: All ordinances or parts of ordinances inconsistent with the terms of this ordinance are hereby repealed; provided, however, that such repeal shall be only to the extent of such inconsistency. In all other respects, this ordinance shall be cumulative of other ordinances regulating and governing the subject matter covered by this ordinance.

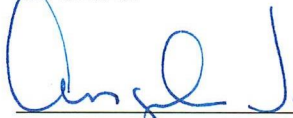
Section 4: If any provision, section, exception, subsection, paragraph, sentence, clause or phrase of this ordinance or the application of same to any person or set of circumstances shall for any reason be held unconstitutional, void, or invalid, such invalidity shall not affect the validity of the remaining provisions of this ordinance or their application to other persons or sets of circumstances; and to this end, all provisions of this ordinance are declared to be severable.

Section 5: This ordinance shall take effect from and after ten (10) days from its passage by the City Council. The City Clerk is hereby directed to give notice hereof by causing the caption of this ordinance to be published in the official newspaper of the City of Baytown at least twice within ten (10) days after passage of this ordinance.

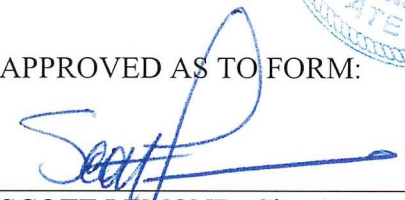
INTRODUCED, READ and PASSED by the affirmative vote of the City Council of the City of Baytown, this the 26th day of October, 2023.


MIKE LESTER, Mayor Pro Tem

ATTEST:


ANGELA JACKSON, City Clerk

APPROVED AS TO FORM:


SCOTT LEMON, City Attorney