

CITY OF BALCH SPRINGS, TEXAS

ORDINANCE NO. 3276-23

AN ORDINANCE OF THE CITY OF BALCH SPRINGS, TEXAS, AMENDING CHAPTER 58, "SIGNS", BY AMENDING SECTION 58-101, "PLACEMENT," TO ALLOW KIOSK SIGNS IN PUBLIC RIGHTS-OF-WAY AND BY CREATING A NEW SECTION 58-126 ENTITLED "KIOSK SIGNS" TO ESTABLISH CONDITIONS AND STANDARDS FOR THE DESIGN, ERECTION, AND MAINTENANCE OF KIOSK SIGNS; PROVIDING REPEALING, SAVINGS, AND SEVERABILITY CLAUSES; PROVIDING AN EFFECTIVE DATE; AND PROVIDING FOR PROPER NOTICE AND MEETING.

WHEREAS, the City of Balch Springs, Texas, is a home rule city acting under its charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code; and

WHEREAS, the City Council of the City of Balch springs ("City Council") has previously adopted an ordinance regulating and controlling signs within the City, pursuant to Tex. Loc. Gov't Code, Chapter 216, and other authority; and

WHEREAS, the City Council has investigated and determined it is in the best interest of Balch Springs residents to allow kiosk signs under certain conditions, and adopt standards for kiosk signs; and

WHEREAS, the City Council finds and determines that the adoption of this Ordinance is necessary to protect the public health, safety and welfare.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BALCH SPRINGS, TEXAS, that:

SECTION 1. 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.

SECTION 2. The City of Balch Springs Code of Ordinances, Chapter 58, shall be amended as follows with additions indicated by underline and deletions indicated by strikethrough:

2.1 Section 58-101, Placement, is hereby amended to read as follows:

Sec. 58-101. - Placement.

- (a) Poles, trees, etc. No person shall attach or maintain any sign upon any public utility pole, structure or tree within the city or the city's extraterritorial jurisdiction; provided, however, temporary political signs may be placed on trees located on private property with the consent of the owner of such private property.
- (b) Public streets or property. No person shall place, erect or maintain or cause the placing, erecting or maintaining of any sign upon any easement, public right-of-way, or public property with the exception of banner signs and kiosk signs as defined in section 58-1, definitions. Banner Signs and Kiosk signs, and Christmas Decorations, as provided for in Section 58-124.
- (c) Fences. No person shall paint or attach a sign, other than an identification sign, to the outside of a fence or wall which is not a structural part of a building, whether or not such fence is located on the property line.

2.2 Section 58-126, Kiosk Signs, shall be created to read as follows:

Section 58-126, Kiosk Signs

A Kiosk Sign within the city or the city's extraterritorial jurisdiction shall comply with the following requirements:

- (a) A license agreement approved by the City Council is required to erect and maintain Kiosk Signs, as defined in section 58-1, within the public rights-of way in the City of Balch Springs.
- (b) Kiosk Signs must be designed and constructed according to the specifications contained in the aforementioned license agreement in addition to the following general specifications.
 - (1) Prior to erecting any kiosk sign, the licensee shall submit a sign location map to the Planning & Zoning Director and the Building Official for approval.
 - (2) Kiosk sign installations shall include break-away design features as required for traffic signs in the street right-of-way and engineered to specifications with breakaway foundations as referenced in written licensed agreement.
 - (3) No signs, pennants, flags or other devices for visual attention or other appurtenances shall be attached to kiosk signs.
 - (4) Kiosk signs shall not be illuminated.

- (5) Individual sign panels on kiosk signs shall have a uniform design and color as approved by the city.
- (6) Kiosk signs shall not interfere with the use of sidewalks, walkways, bike and hiking trails; shall not obstruct the visibility of motorists, pedestrians or traffic control signs; shall not be installed in the immediate vicinity of street intersections; and shall comply with the requirements of the twenty-five (25) foot visibility triangle or other visibility easements.

SECTION 3. All provisions of the ordinances of the City of Balch Springs in conflict with the provisions of this ordinance be and the same are hereby repealed to the extent of such conflict, and all other provisions of the ordinances of the City of Balch Springs not in conflict with the provisions of this ordinance shall remain in full force and effect.

SECTION 4. Should any sentence, paragraph, subdivision, clause, phrase or section of this ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this ordinance as a whole, or any part or provision thereof other than the part so decided to be invalid, illegal or unconstitutional, and shall not affect the validity of the Code of Ordinances as a whole.

SECTION 5. This ordinance shall take effect immediately from and after its passage and the publication of the caption, as the law and charter in such cases provide.

SECTION 6. It is hereby officially found and determined that the meeting at which this Ordinance was adopted 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.

DULY PASSED AND ADOPTED by the City Council of the City of Balch Springs, Texas, on the 9th day of October, 2023.

APPROVED:

Carrie F. Gordon, Ph.D., Mayor

ATTEST:

Cindy Gross, City Secretary