

**CITY OF BALCH SPRINGS, TEXAS
ORDINANCE NO. 3018-11**

AN ORDINANCE TO AMEND AND REENACT CHAPTER 58 OF THE CITY CODE OF ORDINANCES OF THE CITY OF BALCH SPRINGS, TEXAS, ENTITLED "SIGNS" BY AMENDING SECTIONS "58-1" ENTITLED "DEFINITIONS", SECTION "58-72", "EXEMPT SIGNS" AND SECTION "58-101", "PLACEMENT", AND BY ADDING A NEW SECTION ENTITLED "58-123", "BANNER SIGNS ON STREETLIGHT POLES" AND SECTION "58-124", "CHRISTMAS DECORATIONS"; PROVIDING FOR CONFLICTING PROVISIONS; SEVERABILITY; EFFECTIVE DATE; AND PROVIDING FOR PROPER NOTICE AND MEETING.

WHEREAS, the City Council of the City of Balch Springs wishes to update its City Code of Ordinances pertaining to Chapter 58, Signs; and

WHEREAS, the City Council of the City of Balch Springs is authorized under Chapter 53 of the Texas Local Government Code to adopt a city code of ordinances; and

WHEREAS, the changes contained within this Ordinance are made pursuant to such authority and for the good government of the City; and

WHEREAS, all of the provisions wherein 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.

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

CHAPTER 58. SIGNS:

The following amended language is recommended.

Sec. 58-1.Change to read as follows:

The following words, term and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Banner Signs shall be defined according to the following:

1. Type: Banner signs constructed of commercial grade vinyl fabric and Christmas lights constructed of commercial grade material.
2. Duration: Christmas decorations and/or "Christmas holiday" banner signs shall be permitted during the period beginning the first day of November of each year and ending the first day of February of the next succeeding year. For other national holidays, banner signs as defined in section 58-1 may be displayed starting two weeks prior to the holiday and must be removed by the first Monday following the holiday.

3. Location: Banner signs and commercial Christmas decorations may be placed on public right-of-way or public property along the Elam Road, Lake June and S. Belt Line Road business corridors. Banner signs and Christmas decorations placed on any easement, public right-of-way or public property by any other entity other than the building official or his/her designee shall require a permit fee.
4. Fee: Permit fee for promotional event banner signs shall be twenty-five dollars (\$25.00) per display period or any part thereof.

Section 58-72, Exempt Signs: Changes to read as follows:

(6) Banner Signs; however banner signs placed on any easement, public right-of-way or public property by any other entity other than the building official or designee shall require a permit fee.

Section 58-101(b), Placement: Changes to read as follows:

- (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 commercial Christmas decorations as defined in section 58-1 Definitions.

Section 58-123, Banner Signs on Streetlight Poles: Changes to read as follows:

BANNER SIGNS ON STREETLIGHT POLES.

Banner signs shall be permitted in the public right-of-way on streetlight poles along the business corridors of Elam Road (between Pioneer Road and Peach Tree Road), Lake June Road (between Old Balch Springs Road and Peach Tree Road), S. Belt Line Road (between Interstate 20 and Eastgate Drive @ Pioneer Road), and Seagoville Road (between Edgeworth Drive and Pioneer Road).

- (a) A banner must display a message, a welcome message, or generic graphic(s).
- (b) No more than 10 percent of the effective area of a banner may contain a welcome message that identifies and greets a group using City property in accordance with a contract, license, or permit.
- (c) Up to 10 percent of the effective area of a banner may contain the word(s) or logo(s) that identify a sponsor of a cultural event or activity if the sponsor's name is part of the name of the activity or event.
- (d) A banner having either a promotional message or a welcome message may not be erected more than 90 days prior to the beginning of the advertised activity or event, and must be removed no later than 15 days after that activity or event has ended. The sign hardware for a banner may be left in place between displays of a banner.
- (e) A banner and its sign hardware must:

- (1) be mounted on a streetlight pole;
 - (2) meet the sign construction and design standards in the Balch Springs Building Code;
 - (3) be at least 12 feet above grade, shall not overhang into the roadway, in which case it must be at least 15 feet above grade;
 - (4) be made out of weather-resistant and rust-proof material;
 - (5) not project more than three feet from the pole onto which it is mounted; and
 - (6) not exceed 20 square feet in effective area.
- (f) A sign permit shall be required to erect a banner. The sign permit shall be issued by the building official or his/her designee upon approval of banner signage by the building official.
- (g) The issuance of a permit shall be on a "first come first serve basis" with no more than one (1) sign promoting an event within the 90 day timeframe.

Section 58-124, Christmas Decorations: Changes to read as follows:

CHRISTMAS DECORATIONS.

- (a) The City Council shall have the authority to permit placement of commercial Christmas lights and decorative ornaments within the city limits of Balch Springs.
- (b) The building official or his/her designee shall authorized the necessary permit(s) to the Balch Springs Fire Department or any other department upon availability to install commercial Christmas decorations on the utility poles and across the streets along the business corridors of Elam Road (between Pioneer Road and Peach Tree Road) and Lake June Road (between Old Balch Springs Road and Peach Tree Road) and maintain said decorations during the Christmas season.

* * *

SECTION 1. 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.

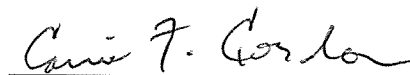
SECTION 2. Should any sentence, paragraph, subdivision, clause, phrase or section of this ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this ordinance as a whole, or any part or provision thereof other than the part so decided to be invalid, illegal or unconstitutional, and shall not affect the validity of the Code of Ordinances as a whole.

SECTION 3. 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 4. 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 28th day of November, 2011.

APPROVED:

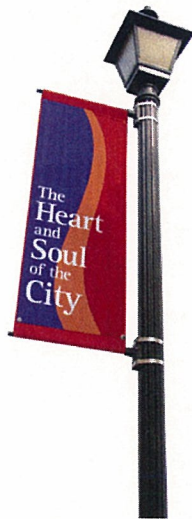
A handwritten signature in cursive script, reading "Carrie F. Gordon", written in black ink.

Carrie F. Gordon, Ph.D., Mayor

ATTEST:

A handwritten signature in cursive script, reading "Cindy Gross", written in black ink.
Cindy Gross, City Secretary

EXHIBIT A
ILLUSTRATIVE PURPOSES



Streetlight Pole



CHR0002 (v)



CHR0020 (v)



USA0013(2)

Seasonal Banner Signage

Source: <http://www.northstarflags.com/custom-street-pole-banners.html>

EXHIBIT B
ILLUSTRATIVE PURPOSES

Christmas Decorations and Light Pole Banners

