

ORDINANCE NO. ORD-2010-9228

AN ORDINANCE AMENDING CHAPTER 7 “BILLBOARDS AND SIGNS” OF THE LAND DEVELOPMENT CODE OF THE CITY OF IRVING, TEXAS; PROVIDING PENALTY, SAVINGS, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, digital technology now makes it possible to allow changeable messages to deliver useful commercial and non-commercial information to the public, including emergency information for public safety purposes; and

WHEREAS, the public purpose is served by amending Chapter 7 to allow the use of current technology;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF IRVING, TEXAS:

SECTION 1. That Section 7-1 “Definitions” of Chapter 7 “Billboards and Signs” of The Land Development Code of the City of Irving, Texas, is hereby amended by deleting the definition of “message center” and adding the definition of “electronic sign” and to read as follows:

Electronic sign means a sign, display, or device that changes its message by programmable electronic processes; utilizes digital images or light-emitting diode technology; or employs electronic variable messages in any manner. This term includes but is not limited to: digital sign, electronic message center, electronic video screen, LED sign, and sign with a digital image.

SECTION 2. That subsection (4) of Section 7-2 “General Provisions” of Chapter 7 “Billboards and Signs” of The Land Development Code of the City of Irving, Texas, is hereby amended to read as follows:

- (4) No sign's copy, face, lettering, or location shall be altered by changing the message or by renovating an existing message until a sign permit for the work has been issued by the director. It is an affirmative defense to this subsection that the sign is altered only by changing a temporary message made from interchangeable characters attached to tracts or grooves on the sign board or by changing image on an electronic sign. It is an affirmative defense to this section that the sign does not require a permit.

SECTION 3. That subsection (6) of Section 7-3 “Special Provisions” of Chapter 7 “Billboards and Signs” of The Land Development Code of the City of Irving, Texas, is hereby amended to read as follows:

- (6) Electronic signs shall:
 - a. Not exceed 40 square feet in area;
 - b. Be located one hundred (100) feet or more from residentially zoned property;
 - c. Be installed as a component of:
 1. A monument sign or multi-tenant sign that:

- i. Does not exceed 70 square feet in area;
 - ii. Is a maximum 7 feet in height; and
 - iii. Is oriented perpendicular to the primary road; or
2. A wall or canopy sign that:
 - i. Complies with the dimensional limits set forth in section 7-3 (14); and
 - ii. Is limited to no more than one image change per day.

For purposes of this subsection, the term wall sign does not include window, awning, or projecting sign.

- d. Comply with the following performance standards:
 1. Not display any illumination by flashing, intermittent or moving lights; not contain or display animated, moving video or scrolling elements; nor project a static image upon a stationary object;
 2. Each message shall be displayed for at least eight (8) seconds and a change of message shall be accomplished within two (2) seconds or less;
 3. A change of message must occur simultaneously on the entire sign face;
 4. Contain a default design mechanism that freezes the sign in one (1) position if a malfunction occurs;
 5. Will automatically adjust the intensity of its display brightness according to natural ambient light conditions;
 6. Not have lamp(s) or lighting that is bright enough to interfere with the vision of a driver on an adjacent road; and
 7. The sign owner shall provide contact information for a person who is available at any time and is able to turn off the sign promptly after malfunction occurs or reduce the intensity of the sign within one (1) hour of a request by the director to a level acceptable for traffic safety.

It is an affirmative defense that legally installed electronic signs in existence at the time of the passage of this subsection may remain, but the electronic sign must be brought into compliance with the performance standards as described section 7-3(6)d within 90 days of the passage of this subsection unless an earlier compliance deadline was established by an approved special sign case or zoning change.

SECTION 4. That of Section 7-3.1 “Special Provisions” of Chapter 7 “Billboards and Signs” of The Land Development Code of the City of Irving, Texas, is hereby amended to read as follows:

Sec. 7-3.1. Special sign permit for on-premise electronic signs.

(a) Electronic signs that do not comply with the criteria established in 7-3 (6) may be installed on new and lawfully existing signs if a special sign permit is obtained from the city council.

(b) The applicant shall show that the proposed digital image will meet the performance standards as described in section 7-3 (6)d or may propose other performance standards and information that would ameliorate the effects of the electronic sign. When considering a request for a special sign permit for an electronic sign, the city council may consider other factors and impose reasonable conditions including modifications to the requirements of chapter 33A of The Code of Civil and Criminal Ordinances of the City of Irving, Texas, that reduce the secondary effects of the electronic sign.

(c) Fee. The application for the special sign permit shall be accompanied by a non-refundable fee of seven hundred fifty dollars (\$750.00) per sign.

SECTION 5. That Section 7-18 “Fee Schedule” of Chapter 7 “Billboards and Signs” of The Code of Civil and Criminal Ordinances of the City of Irving, Texas, is hereby amended to read as follows:

Sec. 7-18. Fee schedule.

Sign permit fees are as follows:

TABLE INSET:

Type	Install	Reface	Annual
Billboards	\$	\$	\$100.00
Digital Billboards	\$1000.00		\$200.00
Electronic signs	\$750.00		
Special Event (Banners)	35.00		
All other types up to 50 square feet	50.00	35.00	
All other types 51 to 100 square feet	100.00	50.00	
All other types 10 to 400 square feet	150.00	75.00	

SECTION 6. That subsection 21 of Section 7-4 “Prohibited Signs” of Chapter 7 “Billboards and Signs” of The Land Development Code of the City of Irving, Texas, is hereby deleted and the remaining subsection renumbered accordingly.

SECTION 7. That save and except as amended by this ordinance, the provisions of Chapter 7 of The Land Development Code of the City of Irving, Texas, shall remain in full force and effect.

SECTION 8. That terms and provisions of this ordinance shall be deemed to be severable and that if the validity of any section, subsection, sentence, clause, or phrase should be declared to be invalid, the same shall not affect the validity of any other section, subsection, sentence, clause, or phrase of this ordinance.

SECTION 9. That nothing in this ordinance shall be constructed to affect any suit or proceeding pending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or prior ordinance; nor shall any legal right or remedy of any character be lost, impaired, or affected by this ordinance.

SECTION 10. Any person violating or failing to comply with any provision of this chapter shall be fined upon conviction not less than one dollar (\$1.00) nor more than five hundred dollars (\$500.00). Each day any violation of any provision of this chapter continues constitutes a separate offense.

SECTION 11. That this ordinance shall become effective from and after the date of its passage as provided by the Charter of the City of Irving, and the caption hereof shall be published in the official newspaper within the City and it is accordingly so ordained.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF IRVING, TEXAS,
on December 9, 2010.

HERBERT A. GEARS
MAYOR

ATTEST:

Shanae Jennings
Acting City Secretary

APPROVED AS TO FORM:

Charles R. Anderson
City Attorney

