

CITY OF EL PASO, TEXAS
AGENDA ITEM DEPARTMENT HEAD'S SUMMARY FORM

DEPARTMENT: Development Services Department
AGENDA DATE: Introduction June 23, 2009; Public Hearing July 14, 2009
CONTACT PERSON/PHONE: Mathew McElroy, (915) 541-4193
DISTRICT(S) AFFECTED: All Districts

SUBJECT:

An Ordinance amending Title 20 (Zoning) Chapter 20.18 (Sign Regulations) to amend the Chapter in its entirety to establish revised regulations for signs; to add definitions; to add provisions to limit the conversion of billboards to electronic displays; to extend the sign regulation to the City's extraterritorial jurisdiction; to prohibit new billboard signs; to remove exemptions for governmental entities, and to establish appeal procedures. The penalty is as provided in Section 20.24 of the El Paso City Code. (All Districts)

BACKGROUND / DISCUSSION:

See attached ordinance.

PRIOR COUNCIL ACTION:

June 24, 2008: City Council directs staff to take a holistic view of billboards and negotiate a new ordinance given signs erected were not permitted.

March 30, 2009: LRC votes 3-1 to prohibit billboard construction, permit only up to 15 digital billboards under a 16 to 1 exchange, and require a special permit for all digital billboards.

AMOUNT AND SOURCE OF FUNDING:

N/A

BOARD / COMMISSION ACTION:

Planning & Development LRC – Approval (prohibition, max of 15 digitals under 16:1 exchange, special permit)

Development Coordinating Committee – Approval (prohibition, max of 15 digitals under 16:1 exchange, special permit)

City Plan Commission - Approval (prohibition, max of 40 digitals under 16:1 exchange, special permit)

*****REQUIRED AUTHORIZATION*****

LEGAL: (if required) N/A

FINANCE: (if required) N/A

DEPARTMENT HEAD: _____

Mathew McElroy, Deputy Director of Planning

APPROVED FOR AGENDA: _____

CITY MANAGER: _____ **DATE:** _____

AN ORDINANCE AMENDING TITLE 20 (ZONING) CHAPTER 20.18 (SIGN REGULATIONS) OF THE EL PASO CITY CODE TO AMEND ARTICLES I, II, III, AND V TO ESTABLISH REVISED REGULATIONS FOR SIGNS; TO ADD DEFINITIONS; TO ADD PROVISIONS TO LIMIT THE CONVERSION OF BILLBOARDS TO ELECTRONIC DISPLAYS; TO EXTEND THE SIGN REGULATION TO THE CITY'S EXTRATERRITORIAL JURISDICTION; TO PROHIBIT NEW BILLBOARD SIGNS, TO REMOVE EXEMPTIONS FOR GOVERNMENTAL ENTITIES, AND TO ESTABLISH APPEAL PROCEDURES. THE PENALTY IS AS PROVIDED IN SECTION 20.24 OF THE EL PASO CITY CODE.

WHEREAS, Title 20 (Zoning) of the El Paso City Code was adopted to promote the health, safety, morals and general welfare of the community; and

WHEREAS, on October 30, 2007, the City Council adopted new regulations to regulate on-premise and off-premise signs within the City; and,

WHEREAS, City Council has determined that the regulations of signs should also apply to the City's extraterritorial jurisdiction; and,

WHEREAS, City Council has determined that new billboards should be prohibited in order to promote the health, safety, morals and general welfare of the community; and,

WHEREAS, City Council has determined that in order to decrease the number of existing new billboards an exchange rate should be established which will allow one changeable electronic variable message billboard in exchange for sixteen non changeable electronic variable message billboards to be removed; and,

WHEREAS, City Council has determined that the regulation of changeable electronic variable message billboards is necessary to promote the health, safety, morals and general welfare of the community; and,

WHEREAS, the City of El Paso desires to add provisions that allow the use of changeable electronic variable message billboards under certain conditions set forth herein,

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

SECTION 1. That Chapter 20.18 (Sign Regulations), Article I (General Provisions), of the El Paso City Code, be deleted in its entirety and replaced with the following:

Article I. General Provisions

20.18.010 Title and Authority.

This chapter shall be known as the "Sign Ordinance for the City of El Paso, Texas." This chapter is authorized by the Texas Local Government Code Chapter 216, the City's zoning powers, and the City's inherent police powers.

20.18.020 Applicability

- A. Jurisdictional Area. This chapter shall apply to the incorporated area of the City of El Paso, Texas and the area that lies within the El Paso extraterritorial jurisdiction for off-premise billboard signs and the City of El Paso for all other signs.
- B. Regulatory Scope. This chapter applies to all signs, as defined herein, which are located on private property within the jurisdictional area of this chapter; this chapter also applies to land owned by a public entity other than the City, when the City has land use regulatory authority over such land. This chapter does not apply to signs on City property or the public right of way; those matters are covered in Title 13 and/or Title 15.
- C. Additional Regulations. Signs subject to regulation under this chapter may also be subject to additional regulations by other sources of law. The regulations contained in this chapter may be subject to other requirements stated elsewhere within the code, and if in conflict, the stricter provision shall control. Devices which are outside the regulatory scope of this chapter may be subject to other laws, rules, regulations and policies. Nothing in this chapter shall be interpreted or construed to conflict with Texas Local Government Code Section 216.903 (Regulation of Political Signs by Municipality).
- D. Compliance Required. No person shall hereafter erect, construct, reconstruct, alter, locate or relocate, remove or demolish a sign except in accordance with the provisions of this chapter, and failure to comply with this section shall constitute a violation of the code.

20.18.020 Purpose

This chapter provides a comprehensive system for the regulation of signs within the City and its extra-territorial jurisdiction area, to serve the following purposes:

- A. To protect the health, safety, and general welfare of the City, its residents and to execute the policies of the City's Comprehensive Plan.
- B. To enhance the aesthetic value of the City's landscape by reducing visual clutter that is potentially harmful to property values and economic development;
- C. To protect adjacent and nearby properties from the impact of excessive or inappropriate signage;
- D. To protect the safety and efficiency of the City's transportation network by reducing confusion and distractions to pedestrians and motorists while enhancing motorists' ability to see pedestrians, obstacles, other vehicles, and traffic signs; and
- E. To preserve, protect and enhance areas of designated historical, architectural and scenic value; and
- F. To provide adequate opportunity for signs to be used in the exercise of freedoms protected by the First Amendment to the U.S. Constitution and the corollary provisions of the Texas Constitution.

20.18.030 Findings.

In adopting this chapter, the City Council makes the following findings:

- A. That the number, sizes and height of signs, both off-premise and on-premise, in the City is excessive, is unduly distracting and confusing to motorists and pedestrians, creates traffic hazards, and reduces the effectiveness of signs needed to direct the public;

- B. That the appearance of the City, particularly that of its residential and light commercial districts, is marred by the excessive number of signs;
- C. That the aforementioned effects detract from the pleasure, safety and economic well-being of the community, and that the number of distracting signs ought to be reduced in order to lessen the detrimental effects;
- D. That the use of signs in the exercise of First Amendment freedoms must be balanced against the community, neighborhood, and social impacts of such signs; and,
- E. That the regulations contained in this chapter are the minimum amount of regulation necessary to achieve its purposes.

20.18.040 Definitions

A. Definitions. For purposes of this Chapter, the following terms have these specially defined meanings. If a term is not defined hereunder, the definition contained in Chapter 20.02 shall apply, provided, however, where there is conflict the definition contained in this Chapter shall apply.

Add-ons, in the context of billboards, means a design element that extends outside the structural display face on a billboard. Also called “extensions.”

Adopt-a-median sign means a freestanding sign located in the median of a street right-of-way identifying the entity or organization that is responsible for maintaining the median where the sign is located.

Aerial sign means a sign which is visible only from above, such as from an airplane or helicopter, and is not visible to persons on the ground.

Auxiliary sign: a sign with no commercial advertising, except for the name or logo of the business, that pertains to the safe and efficient movement of pedestrians and vehicular traffic into and out of a building or premises and that has a directional purpose secondary to the use of the lot on which it is located, such as "no parking," "entrance," "loading only," "telephone," "emergency entrance," and other similar directives.

Billboard means a permanent structure sign which meets any one or more of the following criteria: a) it is used for the display of off-site commercial messages; b) it is used for general advertising for hire; c) it functions as a principal or separate principal use of the land on which it is located, in contrast to functioning as an accessory or auxiliary to a principal use which is not a sign. The term “billboard” applies to all physical parts of the sign, including display faces, structure, support poles, attached ladders, attached catwalks, and appurtenant lighting systems, and visual display systems.

Bulletin means a billboard with a sign face area greater than three hundred square feet, but not greater than six hundred seventy-two square feet.

Building marker sign: a sign indicating the name of a building, date of construction, or other incidental information about its construction and/or history.

Canopy sign means a wall sign suspended from, mounted on or otherwise supported by a canopy, arcade or portal.

Changeable electronic variable message sign, also referred to by the acronym CEVM, means a sign which uses electronic means to display changeable or intermittent images, such as by turning on or off various lighting elements including any illuminated sign on which such illumination is not kept stationary or constant in intensity and color at all times when such sign is in use. The term includes display technology such as LED (light emitting diode) or digital displays which can vary in color or intensity, or any system which is functionally equivalent.

Commercial message means an image on a sign which proposes or promotes a commercial transaction, or concerns the economic interests of the advertiser and/or the audience.

Commercial mascot means a person or animal decorated or attired with commercial advertising insignia and displayed to the public for advertising purposes. Includes sign clowns, sign twirlers, and “sandwich board” type signs.

Community Service sign: A sign displaying a non-commercial message relating to an event or activity sponsored by a governmental or not for profit organization.

Construction sign means a sign displayed on a construction site during the time that actual construction is continuing.

Director means the Director of Development Services or Designee.

Directory sign means a wall or monument sign that provides a listing of names of the tenants and space numbers for a multi-tenant building, lot or park.

Establishment means any legal use of land, other than long-term residential, which involves the use of structures subject to the Building Code and the presence of human beings on the premises more than 20 hours per week. By way of example and not limitation, this definition includes businesses, factories, farms, schools, hospitals, hotels and motels, offices and libraries but does not include single family homes, mobile homes, residential apartments, residential care facilities, or residential condominiums.

Externally illuminated sign means the illumination of a surface of a sign from an external source of light intentionally directed upon the sign. Also known as “indirectly illuminated sign.”

Flag means any fabric, banner, or bunting containing distinctive colors, patterns, or design that displays the symbol(s) of a nation, state, local government, company, organization, belief system, idea, or other meaning.

Garage sale means the selling of used and / or hand made articles on the premises of a dwelling unit. Events commonly known as estate sales, yard sales, moving sales, and their functional equivalents, are within this definition.

General advertising means the business of advertising other businesses, establishments or causes, typically for a fee or other consideration. Also known as general advertising for hire.

Home occupation sign means a wall sign indicating the name, address or business, in any combination, of a code-compliant home occupation operated by the occupant at that residence.

Inflatable advertising device means a device which is inflated with air or another gas, or which is activated by wind, air, or propelled gas, and used for outdoor advertising purposes.

Internally illuminated sign means the illumination of an electric sign with a source of light entirely enclosed within the sign.

Junior means a billboard with a sign face area not greater than seventy-two square feet.

Marquee sign means a wall or projecting sign suspended from, mounted on or otherwise supported by a marquee, such as a canopy entrance

Mobile billboard sign means a vehicle or trailer which is used for the display of general advertising for hire.

Monument sign means a sign that is supported from the ground by a three-dimensional masonry, wood, or metal support structure having a minimum width of at least thirty-three percent of the sign structure width and that is not attached to a building and is not a pole sign. Also known as “ground sign.”

Multi-tenant sign means a sign displaying three or more establishments, each with a separate certificate of occupancy, located on the same lot or premises.

Noncommercial message is one that visually displays speech or images not pertaining to commercial matters. Noncommercial messages commonly concern religion, politics, social commentary and other matters of public debate. Contrast: commercial message.

Nonconforming sign means a sign legally erected prior to enactment or amendment of this code and maintained in compliance with the El Paso City codes in effect at the time of installation, but which does not conform to the current provisions of the sign code or other applicable City ordinances.

Off-premise sign means a sign displaying a commercial message that pertains to a business, person, organization, activity, event, place, service or product not principally located, or primarily manufactured, or sold on the premises on which the sign is located. Also known as “off-site sign.” The on-premise / off-premise distinction applies only to commercial messages.

Off-premise temporary subdivision directional sign means a temporary off-premise sign located on private, unimproved property with the permission of the owner of the property that directs vehicular and pedestrian traffic to a developing

On-premise sign, also called “on-site sign” means a sign advertising an establishment, business, person, activity, good, product or service located on the premises where the sign is installed and maintained. In the context of construction signs, all establishments involved in the construction are considered on-premise during the time of construction. In the cases of a redevelopment project or shopping center or business center, any sign located within the project is considered on-premise as to any establishment located in the same project or center.

Overhead sign means a sign which is visible only from above, as from an airplane or helicopter, and is not visible to persons on the ground.

Pole sign means a freestanding sign that is supported from the ground by an exposed pole(s)-or a three-dimensional support structure having a minimum width less than thirty-three percent of the sign structure width, and that is not attached to a building.

Poster means a billboard with a display face area greater than seventy-two square feet but less than three hundred square feet.

Primary or Principal sign means the monument or pole sign along street frontage selected by the establishment as defined in 20.18.450.

Real estate sign means a temporary sign whose message pertains to a proposed economic transaction (sale, lease, rent, *etc.*) of real estate. Signs related to transient occupancy, such as rates and vacancies at hotels, motels, inns, and bed and breakfast facilities, are not within this definition.

Roof sign means a sign that is mounted on a roof or projects above the highest point of the roof line, parapet, or fascia of a building. A sign mounted on a mansard roof is a wall sign, not a roof sign.

Secondary advertising sign means an on-premise sign placed on private property, which is not the primary sign intended for advertising.

Shingle sign means a wall sign that projects from the face of a building and is suspended from a metal structure, awning, canopy or marquee.

Sign means any outdoor display surface, structure, search light, banner, pennant, inflatable and airborne device, whether mounted on land, air, or water, which is visible from any portion of the public right of way to vehicular or pedestrian traffic, a principal purpose of which is to attract attention to a communicative visual or graphic image. The term “sign” includes any moving part,

lighting, sound equipment, framework, background material, structural support, or other part thereof. A display, device, or thing need not contain lettering to be a sign. Notwithstanding the generality of the foregoing, the following are not within this definition:

- Overhead signs or banners towed behind aircraft
- Automated Teller Machines (ATMs) not used for general advertising for hire
- Architectural features. Decorative or architectural features of buildings (not including lettering, trademarks or moving parts), which do not perform a communicative function.
- Barber poles displayed outside establishments providing hair cutting and styling services
- Fireworks
- Foundation stones and cornerstones which are permanent in nature and incapable of modification once installed
- Grave markers, grave stones, headstones, mausoleums, shrines, and other markers of the deceased
- Holiday and cultural observance decorations on private residential property which are on display for not more than 45 calendar days per year (cumulative, per parcel or use)
- Inflatable games and gymnasiums. Inflatable, temporary, moveable, gymnasium devices commonly used for children's birthday parties, and similar devices. Also called "party jumps."
- Manufacturers' marks. Marks on tangible products, which identify the maker, seller, provider or product, and which customarily remain attached to the product even after sale.
- Mass transit graphics. Graphic images mounted on duly licensed and authorized mass transit vehicles that legally pass through the City
- Merchandise on public display and presently available for purchase on-site;
- News racks and newsstands
- Personal appearance. Items or devices of personal apparel, decoration or appearance, including tattoos, makeup, wigs, costumes, masks, etc. (but not including commercial mascots or hand-held signs);
- Search lights and klieg lights when used as part of a search and rescue or other emergency service operation; this exclusion does not apply to search lights or klieg lights used as attention attracting devices for commercial or special events;
- Shopping carts, golf carts, horse drawn carriages, and similar devices; any motorized or self-propelled vehicle which may be legally operated upon a public road is not within this exclusion;
- Symbols of non-commercial organizations or concepts including, but not limited to, religious or political symbols, when such are permanently integrated into the structure of a permanent building which is otherwise legal; by way of example and not limitation, such symbols include stained glass windows on churches, carved or bas relief doors or walls, bells, religious statuary, *etc.*
- Vehicle and Vessel Insignia. On street legal vehicles and properly licensed watercraft or aircraft: license plates, license plate frames, registration insignia, non-commercial messages, messages relating to the establishment of which the vehicle or vessel is an instrument or tool (not including general advertising) and messages relating to the proposed sale, lease or exchange of the vehicle or vessel;

- Vending machines, product dispensing devices and automated product intake devices which do not display offsite commercial messages or general advertising messages; by way of example and not limitation, “automated product intake devices” means machines which accept recycle materials, or “book return” slots at libraries, or “leave your clothes here” boxes at laundry places
- Window displays. The display of merchandise in a store window.

Sign cut-outs means the following:

- A. The area of sign face extension available to complete the artwork on a billboard.
- B. The portion of the sign structure area of a monument sign that is completely open or void.

Sign height means the following:

1. For freestanding signs, the vertical measurement between the highest part of the sign, excluding all billboard add-ons, and the ground level upon which the sign is located;
2. For wall and all other signs, the vertical measurement of the sign area.

Special event directional sign means a temporary sign providing direction information to a properly authorized special event that is open to the public.

Structure area applies to monument signs and means the entire area of the sign structure, as computed by multiplying the sign height by the sign structure width.

Structure support width sign applies to freestanding signs, and means the width of the three-dimensional support structure(s) that extends from the top of the sign structure to the ground.

Subdivision identification sign means a monument or wall sign located at a main entrance of a subdivision.

Temporary banner means a temporary sign composed of lightweight fabric or similar material used to attract visual attention. Flags are not within this definition.

Temporary active motion inflatable means a temporary type of inflatable sign utilizing wind baffles and fabric combined with vortex of air created by a mechanical air system to allow the inflatable to dance and move, and which does not contain any words, numerals, trademarks, pictures, designs, or objects.

Temporary construction sign means a temporary sign located on a construction site, typically used to display messages concerning the owner, occupant, contractor, architect, engineer, financial institution, real estate company or similar entities involved with the construction at that site.

Temporary sign means a sign which, by virtue of its construction from lightweight or flimsy materials, and construction or installation by hand or with ordinary hand tools, is not suitable for long term display.

Temporary inflatable sign means an inflatable advertising device greater than two cubic feet in volume, used for advertising purposes

Temporary special event sign means a temporary sign advertising a properly authorized special event and located at the site of the event.

Temporary subdivision sign means a real estate sign identifying a subdivision still in construction where the sign is located.

Wall sign means a sign permanently affixed to any wall or vertical portion of a building not extending beyond the elevation of the building.

Warning and notice signs are signs containing information or symbols about regulatory violations, hazardous conditions, or other educational messages; examples include “beware of dog,” “high voltage,” “no trespassing,” “eviction notice,” *etc.*

SECTION 2. That Chapter 20.18 (Sign Regulations), Article II (Administration) of the El Paso City Code, be deleted in its entirety and replaced with the following:

Article II. Administration

20.18.100 Sign Permit

A. Sign Permit Required. A sign permit shall be required prior to the placing, erecting, moving, reconstructing or demolishing of any sign, unless the subject sign is expressly exempted from the permit requirement by this Chapter or other applicable law. Signs requiring a permit shall comply with the provisions of this Chapter and all other applicable laws and ordinances.

B. Portable sign permits shall not be issued for a period of more than three hundred sixty-five days.

C. Where the building official determines that a permit was issued in accordance with the law in effect at the time the sign was erected and that such permit was lost or destroyed, the building official shall provide a replacement permit when the sign permit is still valid under such law.

D. Sign permit applications must be accompanied by all applicable fees, as established by formal action of City Council.

20.18.110 Application procedure.

A. Permit - Method of Application. An application for a sign permit shall be made on forms as prescribed by the Director. Such an application shall be filed with the Planning Division of Development Services. The application shall be accompanied by any fees or bonds as specified by City Council resolution. In addition to all the information required by Title 18 (Building and Construction), the application for a sign permit shall include the following:

1. Permit Application - Contents. A sign permit application shall contain the location by street and number of the proposed sign structure, the PID for the property, as well as the name and address of the owner and the sign contractor or erector. One electronic copy (TIFF at 300 DPI and 32 BIT) and three copies of the plans, fully dimensioned, shall be filed with the application, including:

a. Plot plan, fully dimensioned, showing location and dimensions of all buildings and improvements and the location of each proposed sign together with the location, setback, size and height of all existing signs on the premises/site. The street frontage shall be clearly indicated on the plan as well as the property line;

b. Elevation plan, fully dimensioned, showing height and size of each proposed sign, colors, method of illumination and materials of construction, and if a wall sign, the exact location on the face of the building;

- c. Nearest street intersections and abutting arterials;
- d. Legal description of the property;
- e. Zoning;
- f. Written evidence that the property owner has authorized the placing of the sign(s) on his property;
- g. Structural and wind load calculations;
- h. Name, address and city or state sign electrical contractor license number of applicant;
- i. The certification of an engineer licensed to practice in the state on plans submitted for signs over twenty-four feet high; and
- j. Structural details and circulations prepared and signed by an engineer or architect registered in the State. Such details shall be required when the area of the sign exceeds five square feet and the height of the sign exceeds six feet. Structural details shall include all attachments such as satellite dishes, sign cabinets, etc. These plans shall also be submitted electronically (TIFF at 300 DPI and 32 BIT).

2. A statement by the owner of the proposed sign as to whether the sign is to display commercial or noncommercial messages, or both, and whether the display face will be permanent, changeable, or a permanent structure with changeable elements. If the proposed sign is to be used to display commercial messages, then the applicant shall also state whether the message is to be onsite or offsite, and whether it is proposed to be used to display general advertising for hire.

B. For off-premise billboard sign demolitions and/or relocations.

- 1. Size and location of sign to be removed or relocated;
- 2. Photograph of sign to be removed;
- 3. A copy of the original permit for the sign to be removed or a copy of documentation maintained by the building official demonstrating the sign legally exists at its current location;
- 4. For billboard replacement or relocation permits for billboards removed after July 2, 2002:
 - a. Completed application with site plan and structural calculations,
 - b. Size(s), location(s) and type(s) of sign(s) removed; and
 - c. Copy of the demolition permit(s) for the sign(s) removed;
- 5. Issuance of building permits and revocation of permits shall be done in accordance with provisions of Title 18.

C. Multiple Sign Applications. When an application proposes two or more signs, the application may be granted either in whole or in part, with separate decisions as to each proposed sign. When an application is denied in whole or in part, the Director's written notice of determination shall specify the grounds for such denial.

D. Revocation or Cancellation. The Director shall revoke any approval upon refusal of the holder thereof to comply with the provisions of this Chapter and / or the terms or conditions of any permit, after written notice of noncompliance and at least fifteen (15) days opportunity to cure.

E Permits Issued in Error. Any approval or permit issued in error may be summarily revoked at any time before substantial work in reliance upon the permit has been accomplished, by the City upon written notice to the holder of the reason for the revocation.

20.18.115 Appeals

A. Purpose and Method of Review. The purpose of a permit is to ensure compliance with the provisions of this Chapter. After receipt of a complete sign application, the Director shall render a decision to approve, approve with modifications or conditions, or deny the sign request within fifteen working days. Unless the applicant waives time, failure of the Director to issue a written decision within fifteen working days shall constitute denial of the application. Such a review shall ensure that any sign proposal is in conformance with the requirements of this Chapter and other applicable law, regulation and policy. In the event that the application is approved with modifications or conditions, those requirements shall not be based upon the proposed message content, sign copy, or graphical design of the visual display of the sign.

B. Appeals. All sign permit applications shall be initially reviewed by the Director. When the Director issues a decision on a sign permit application, or when the time for doing so has expired without a written decision, then the applicant or any concerned person may appeal to the Zoning Board of Adjustment under the provisions of 2.16.040 of the El Paso City Code. The appeal shall be processed under the same procedures specified for appeals to the Zoning Board of Adjustment, except that once an appeal has been submitted, it shall be forwarded to the Zoning Board of Adjustment within 30 days, and a determination shall be made by the Zoning Board of Adjustment within 30 days from the date the appeal is heard by the Zoning Board of Adjustment. In determining the appeal, the Zoning Board of Adjustment shall not consider message content or graphical design of the sign.

20.18.120 Maintenance.

Every sign, including those specifically exempt from this code in respect to permits and permit fees, shall be maintained in good structural condition at all times. All signs shall be kept neatly painted, including all metal parts and supports thereof except those portions that are galvanized or of rust-resistant material. The building official shall inspect all signs and shall have the authority to order the painting, repair, alteration or removal of any sign which constitutes a hazard to safety, health or public welfare by reason of inadequate maintenance or dilapidation. The owner of the property on which a sign is located and the owner of the sign shall be jointly responsible for the conditions of the area occupied by the sign and shall be required to keep the area clean, sanitary and free from rubbish; and failure to comply with this section shall constitute a violation of the code. For purposes of responsibility, the owner of the property refers, jointly and severally, to the legal owner of the property, as well as to all parties holding the present right of possession and control.

20.18.130 Removal of signs.

A. The procedures stated herein shall control if in conflict with other chapters of Title 18.
B. After inspection by the building official, the following signs may be subject to removal by the City, in accordance with the procedure enumerated herein:

1. Signs or their supporting structures appear to the building official to have become abandoned, neglected or made unattractive by missing letters, panels, lights, faded or peeling paint or graffiti;

2. Any sign which constitutes a hazard to safety, health or public welfare by reason of inadequate maintenance or dilapidation, but does not cause an immediate danger.

C. Procedure. Except as provided herein, prior to the removal of a sign by the City, the building official shall follow the following procedure:

1. The building official shall inform the permit holder, if a permit has been issued; if no permit has been issued, the building official shall send a written notice to the owner, if the owner is known, by mailing a written notice to the last known address of the owner, or lessee of the sign if that person is identified on the sign or is otherwise known to the building official, to remove such sign and structure or to cure the defect resulting from its neglect within a period of ten days after receipt of notification of violation of this chapter.

2. If the permit holder, owner, or lessee is unknown or cannot be reached, the building official shall publish a legal notice identifying the sign, its location and the corrective action required. The legal notice shall be given by any contemporary means of information sharing, including, but not limited to, publication in a newspaper of general circulation in the City and placement on a web site. If no response is received by the building official within five working days after the date of publication, the building official shall refer the case to the Building and Standards Commission and the case shall be processed under the procedures of Chapter 2.38 of the El Paso City Code.

D. An on-premise sign shall be removed in compliance with the Local Government Code TITLE 7 SUBTITLE A. Sec. 216.003.

20.18.140 Prohibited signs.

In addition to the list of prohibited signs stated below, any sign erected in violation of the City's building, electrical, lighting, or other applicable local, state or federal regulations, not expressly authorized by the code, a sign not specifically authorized by action of City Council or specifically exempted from the provisions hereof, is prohibited within the corporate limits of the City and the city's extraterritorial jurisdiction if a billboard sign.

A. New billboards, except for those granted permits for conversion to changeable image displays, as provided herein.

B. Off-premise commercial wall signs, except as permitted in accordance with the provisions of this chapter.

C. Off-premise portable signs or any portable sign that is electrical or is more than seven feet in height including the support structure.

D. Wall signs that extend beyond the elevation of the building more than three feet.

E. Roof signs and roof-mounted signs.

F. Any sign which resembles an official traffic sign or signal or that bears the words "Stop," "Go," "Slow," "Caution," "Danger," "Warning" or similar words, or that bears symbols communicating similar meanings in a manner which causes the sign to appear to be an official traffic sign.

G. Signs which, by reason of their size, location, movement, content, coloring or manner of illumination, may be confused with or construed to be a traffic control sign, signal or device, or the light of an emergency or road equipment vehicle, or which hide from view any street or traffic sign, signal or device.

H. Any banner, handbill whether commercial or noncommercial, advertisement, notice, circular poster, piece of paper, figure, word, or letter, or any other kind of sign printed, painted, cut, branded, stamped, marked, written, posted, pasted, installed, or affixed in any way upon any utility post or stand, upon traffic control signs or signals, or upon any public property or public right of way, including, but not limited to, public buildings, sidewalks, parkways, easements and curbs; unless such sign is installed or affixed pursuant to authorization granted a special privilege license or by a city ordinance, resolution, or other valid official city authorization, or is otherwise permitted or regulated in the code.

I. Signs on vehicles or trailers that are parked or located for the primary purpose of displaying a commercial message. It shall be prima facie evidence that the primary purpose of a vehicle or trailer is to display a sign if the vehicle or trailer is parked on a site, or in the same general location, for a continuous period exceeding seventy-two hours per month. This prohibition does not apply to a vehicle displaying a commercial message which pertains to the establishment of which the vehicle is an instrument, and the parking is short term and incidental to the performance of the establishment's customary activities.

J. Mobile billboards.

K. Festoons, including tinsel, strings of ribbon, streamers and pinwheels.

L. Signs erected or maintained upon trees, painted or drawn upon rocks or other natural features.

M. Satellite dishes, operable or inoperable, used as signs.

N. Signs that revolve or rotate at a speed greater than three revolutions per minute.

O. Animated, flashing, running light or twinkle signs, except changeable electronic variable message signs or changeable electronic variable message billboard signs which conform to the provisions of Article III of this chapter.

P. Signs projecting or displaying three-dimensional or holographic images.

Q. "V" type signs with a face that protrudes from the opposite face at an interior angle greater than twenty-five degrees. This restriction shall not be construed to prohibit oval, cylindrical or box type signs.

R. Signs located on or attached in any manner to fences or between or on the poles of another sign or light fixture, except as may be permitted herein.

S. Signs projected (from a light source) onto the sides of buildings.

SECTION 3. That Chapter 20.18 (Sign Regulations), Article III (Billboard Regulations), of the El Paso City Code, be deleted in its entirety and replaced with the following:

ARTICLE III. BILLBOARD REGULATIONS

20.18.200 Zoning districts.

A. From and after the effective date of this ordinance, no new billboards may be constructed, erected, installed or modified within the corporate limits of the City, or within its extraterritorial jurisdiction, and no building permit shall be issued for the construction, erection, or modification of a new billboard or an existing billboard in the City and the City's extraterritorial jurisdiction, except as authorized by this Article.

B. Changeable electronic variable message ("CEVM") billboards. CEVM billboards are prohibited within the City's corporate limits and the City's extraterritorial jurisdiction, except that a total forty changeable electronic variable message billboard conversion permits may be

issued by the City, as provided in this Article. The total number of CEVM billboards within the City's corporate limits may not exceed forty.

C. Changeable electronic variable message ("CEVM") billboards Conversions procedures.

1. Converting an existing billboard to a CEVM billboard requires a special permit submitted to the development services department and approved by City Council prior to the issuance of the CEVM conversion permit. A CEVM conversion is allowed only in C-3, C4, M1, M2, and M3 districts.
2. A special permit to convert an existing billboard to a CEVM display shall be issued if all the following conditions are met:
 - a. In the case of a proposed conversion of a bulletin billboard to CEVM display, the conversion permit shall authorize only one side of an existing bulletin billboard to be converted to CEVM display, and then only when at least sixteen bulletin billboard structures are to be removed before installation of the CEVM display;
 - b. In the case of a proposed conversion of a poster billboard to CEVM display, the billboard conversion permit shall authorize only one side of an existing poster billboard to be converted, and then only when at least sixteen poster billboard sign structures are to be removed before installation of the CEVM display;
 - c. Junior billboards may also be removed for CEVM conversions where four Junior billboards equal one Poster and where eight Junior billboards equal one Bulletin;
 - d. The applicant requesting the CEVM conversion shall identify the locations of the existing sign structures to be removed and obtain a demolition permit for each billboard sign structure to be removed, and each billboard structure must be permanently removed prior to the new CEVM billboard installation;
 - e. The applicant requesting the CEVM conversion identifies the sign to be converted and the converted signs complies with all of the provisions of this Chapter and the City Code, including but not limited to electrical, plumbing, grading, *etc.*;
 - f. The area of the display face is not increased as part of the conversion.
 - g. Only one CEVM conversion is permitted on each billboard structure; billboard structures using CEVM displays on both sides, or on multiple display faces, are prohibited; and,
 - h. No CEVM conversion permit shall be issued for the conversion of a billboard located in the extraterritorial jurisdiction.

20.18.210 Time for construction.

The conversion of an existing bulletin or poster billboard to a CEVM display must be completed within six months after issuance of a CEVM conversion permit. One six-month extension may be granted by the Director.

20.18.220 Size and height

- A. In zoning districts C-3, C4, M1, M2, and M3 districts on Interstate Highway 10, up to six hundred seventy-two square feet in area, thirty-five feet above ground level.
- B. In zoning districts C-3, C4, M1, M2, and M3 districts on major arterials, super arterials, or higher category arterials, up to three hundred square feet in area, twenty-five feet above ground level.

20.18.230 Setback requirements.

A. A CEVM billboard conversion must be at least five hundred fifty feet from the property line of any residential use or the following zoning districts: R-F, R-1, R-2, R-2A, R-3, R-3A, R-4, R-5, P-RI, P-RII, RMH, PMD, A-1, A-2, A-3, A-4, A-M, A-3/O, A-O, R-MU, G-MU, I-MU, or SmartCode Zone.

B. No CEVM billboard conversions are permitted within the area of a triangle formed by intersecting public right-of-way boundary lines at any intersection and a diagonal joining such boundary lines at points fifty feet from their intersection.

C. No CEVM billboard conversions are permitted within fifty feet of a freestanding on-premise sign on the same side of the street.

20.18.240 Spacing.

A. CEVM billboard conversions shall be spaced as follows:

From CEVM Poster to CEVM Poster: at least one mile; from CEVM Poster to CEVM Bulletin: at least one mile; from CEVM Bulletin to CEVM Bulletin: at least two miles. All changeable electronic variable message billboard conversions fronting Interstate Highway 10 shall be spaced at least two miles.

B. All measurements made under this subsection are in feet and measured as a radius from the changeable electronic variable message sign face.

C. Spacing requirements shall not be diminished by separation of any signs by an arterial, structure or natural feature.

20.18.250 Special control areas.

All billboards, including changeable electronic variable message billboard conversions, are prohibited in the following special control areas:

A. Significant Landmarks Designated by the United States, the State of Texas, or the City of El Paso.	No billboards are allowed within 500 feet of any designated historical landmark, site or building property line.
B. All Historic Districts	No billboards are permitted within the boundaries of the district and no off-premise signs shall be installed within 500 feet of the center line of streets forming the boundaries of the district.
C. Designated Special Districts Central Business District	No billboards are permitted within the area bounded by Interstate Highway 10 on the north, St. Vrain/Virginia Streets on the east, Paisano Drive on the south, and by a line tangent to the west facade of Union Depot, running north to south from Interstate Highway 10 to Paisano Drive.
South El Paso	No billboards are permitted within the area bounded by Paisano Drive on the north, Rio Grande International Boundary on the south, Park Street on the east, and Santa Fe Street on the west.
Ysleta Mission Area (includes the Tigua Indian Reservation)	No billboards are permitted within a 1,200 feet radius from Mission steeple.

Mountain Development Area (MDA)	No billboards are permitted on such lands as defined by the Zoning, Grading, and Subdivision Ordinances of the City of El Paso for the protection of the Franklin Mountains.
D. Freeway Interchanges	Areas Restricted From Signage
I-10 at U.S. 54	No billboards are permitted within 1,000 feet from right-of-way line from Raynolds on the east, Yandell on the north, Gramma on the west, and junction with the Paisano/Juarez exits on the south.
U.S. 54 at Loop 375 (Cesar Chavez Border Highway)	No billboards are permitted within 1,000 feet from right-of-way line from junction of I-10 and U.S. 54 to junction with Loop 375, including the Cordova Port of Entry.
I-10 at Loop 375 (Transmountain Road)	No billboards are permitted within 1,500 feet of this intersection.
I-10 at Loop 375 (Americas Avenue)	No billboards are permitted within 1,500 feet of this intersection.
E. Designated Scenic Corridors	No billboard shall be placed within 1,000 feet from either right-of-way line of an arterial within the following scenic corridors:
	Loop 375 (Cesar Chavez Border Highway and Americas Avenue) from Santa Fe Street to I-10
	Zaragoza Road from Zaragoza Port of Entry to Alameda Avenue
	I-10 from Schuster Drive to the Central Business District
	Mesa Street from Sun Bowl Drive to the Central Business District
	Rim Road
	Scenic Drive
	Schuster Drive/Murchison Drive
	McKelligon Canyon Road
	Alabama Drive/Magnetic Drive
	Airport Drive
	Fred Wilson Avenue
	U.S. 54 from Hondo Pass Avenue to the Texas/New Mexico State line
	Alameda Avenue from Loop 375 (Americas Avenue) to Zaragoza Road
	Ord Gary-Artcraft Road/Paseo del Norte Road
	Country Club Road/Westside Drive

	Diana Drive from U.S. 54 to Dyer Street
	Doniphan Drive
	Resler Drive
	El Paso Street
	Hondo Pass Avenue
	Martin Luther King Jr. Boulevard
	McCombs Street from U.S. 54 to the Texas/New Mexico state line
	McKinley Avenue
	Northeast Parkway
	Paisano Drive from Sunland Park Drive to Alameda Avenue
	Santa Fe Street
	Airway Boulevard
	Loop 375 from I-10 to Railroad Drive
	Stanton Street
	Spur 601
	Woodrow Bean-Transmountain Road
F. Park/open space	No billboard may be installed within 1,500 feet of the property line.
G. School, Church or Hospital	No billboard may be installed within 500 feet of the property line.
H. Ports of Entry	
Santa Fe/Stanton	No billboard shall be placed within the following area at the Santa Fe Port of Entry: Bounded by the alley in Block 43, Campbell Addition, running north-south from Paisano to the International Border, the centerline of Paisano Drive, running east-west; the centerline of the alley in Block 139, Campbell Addition, running north-south from Paisano to the centerline of Sixth Street, running east to the centerline of Block 74 thence said line running south to the International Border, the International Border being the southern boundary.
Stanton	No billboard shall be placed within the following area at the Stanton Street Port of Entry: Bounded by the centerline of the alley of Block 47, Campbell Addition, running north-south from the International Border to the centerline of Paisano Drive, the east-west to the centerline of the alley of Block 137 Campbell Addition, running north-south to the border line being the southern boundary.

Zaragoza	No billboard shall be placed within 500 feet of the centerline of Zaragoza Road, running from the bridge abutment to Socorro Road.
Cordova (including I-10/U.S. 54 and U.S. 54/Loop 375 freeway interchanges)	No billboards are permitted within 500 feet from the state right-of-way from Raynolds on the east, Yandell on the north, Gramma on the west, and junction with the Paisano/Juarez exits on the south.
	No billboards are permitted within 500 feet from the state right-of-way line from junction of I-10 and U.S. 54 to junction with Loop 375, including the Cordova Port of Entry.
New Ports-of-Entry	No billboards are permitted within 1,500 feet from the property line of a port-of-entry.

20.18.260 Changeable electronic variable message billboard display standards.

A.CEVM billboard display standards. A CEVM billboard display shall comply with the following standards:

1. The changeable images must be only a series of still images; moving images or images which create the appearance of motion are prohibited;
2. The dwell time, defined as the interval of change between each individual message, shall be at least sixty seconds, and a change of message must be accomplished within one second or less; The dwell time shall not include the one second or less required to change a message;
3. The CEVM billboard display shall contain a default mechanism that will freeze the sign in one position if a malfunction occurs;
4. The CEVM billboard display 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;
5. The light intensity for a CEVM billboard display shall not exceed 5,000 NITS during daytime and 500 NITS during nighttime at least thirty minutes before sunset and at least 30 minutes after sunrise;
6. Prior to the issuance of a CEVM billboard conversion permit, the applicant shall provide written certification from the sign manufacturer that the light intensity has been factory pre-set not to exceed five thousand NITS and that the intensity level is protected from end-user manipulation by password-protected software or other method as deemed appropriate by the director;
7. A CEVM billboard display shall not resemble or simulate any traffic control or other official signage;
8. A CEVM billboard display must be equipped with both a dimmer control and a photocell, which automatically adjusts the display's intensity according to natural ambient light conditions; and,
9. No CEVM billboard display shall be erected, installed or altered to include such animation as parts which move, flashing or blinking lights, or smoke or fumes issuing from the sign

20.18.270 Construction of signs.

The following shall govern the construction of any billboard sign:

- A. Stacked signs are prohibited;

- B. Only one display face per structure is eligible for CEVM conversion;
 - C. V-shape signs with an angle of construction greater than forty-five degrees are prohibited.
- Where two structures are used for the construction of a V-shape sign, such structures shall not be separated, at their closest point, by more than two feet.

20.18.280 Relocation of certain billboards for a city or state roadway improvement project.

Legal and non-conforming billboards located on or overhanging a parcel of land acquired by the city or state for a roadway improvement or expansion project may be relocated subject to special permit application approved by City Council. The owner of the sign and the city or state must sign and submit a special permit application. The relocation must be completed within one year of the date that the city or state becomes the owner of the property. All billboards must be relocated on the remainder of the tract from which the parcel of land was acquired unless there is no remainder or the remainder is not of sufficient size or suitable configuration to allow the relocated billboard to fully comply with the size, height, spacing, setback, and other restrictions in this chapter. If there is no remainder of the tract or the remainder of the tract is not of sufficient size or suitable configuration to relocate the billboard, the billboard may be relocated to another tract provided that the relocated billboard is at least 1,500 feet from another billboard on the same side of the roadway and in compliance with the size, height, spacing, setback, and other restrictions in this chapter. No billboard may be relocated into any of the special control areas identified in section 20.18.250.

20.18.290 Lighting.

Existing billboard and CEVM billboard illumination shall comply with Chapter 18.18 (Outdoor Lighting Ordinance) of the code. Signs which contain, include or are illuminated by any flashing, intermittent or moving light or lights are prohibited, except that CEVM billboard conversions may be permitted as provided in this Chapter and in compliance with this Code.

20.18.300 Cleanliness of billboard site.

Existing billboard and CEVM conversion billboard sites shall be kept free from the accumulation of filth, weeds, trash and all other debris.

SECTION 4. That Chapter 20.18 (Sign Regulations), Article V (Noncommercial Sign Regulation) of the El Paso City Code , be deleted in its entirety and replaced with the following:

Article V. Noncommercial Sign and Message Substitution Regulations

20.18.510 Noncommercial signs and Message Substitution.

Noncommercial messages are allowed on all signs in all districts at all times, provided that the sign structure is legal without consideration of message content. The area of such noncommercial messages located in zoning districts other than residential and apartment zoning districts shall be included in the determination of the total permitted sign area, number of signs and height regulations of that district. Noncommercial messages located in residential or apartment zoning districts shall be limited to a combined total sign area of five square feet per dwelling unit, shall not require a permit, shall not exceed eight feet in

height, and shall be located no more than five feet from the dwelling unit. This paragraph shall not apply to signs otherwise regulated in this chapter.

Message substitution. Any sign which is otherwise legal may be used, in whole or in part, for the display of any noncommercial message at any time. A noncommercial message of any kind may be substituted, in whole or in part, in place of any existing commercial or non-commercial message on any sign. Message substitution is a continuing right, and may be exercised any number of times. A permit is required only when the message substitution also involves structural changes to the sign, and then the permit application shall be considered based only on the structural rules. This provision does not authorize an increase in the amount of otherwise allowable sign display area on a given parcel or land use, and does not override provisions in private agreements, such as leases and rental agreements.

SECTION 5. Except as herein amended Title 20 (Zoning) of the El Paso City Code shall remain if full force and effect.

PASSED AND APPROVED this _____ day of _____, 2009.

THE CITY OF EL PASO

John F. Cook
Mayor

ATTEST:

Richarda Momsen
City Clerk

APPROVED AS TO FORM:

Lupe Cuellar
Assistant City Attorney

APPROVED AS TO CONTENT:

Mathew McElroy, Deputy Director
Development Services Department