

ORDINANCE NO. 918

AN ORDINANCE AMENDING CHAPTER 50-SIGNS OF THE CODE OF ORDINANCES BY ADOPTING A NEW SECTION 50-11 AUTHORIZING ELECTRONIC SIGNS UNDER VERY LIMITED AND CONTROLLED CIRCUMSTANCES ON THE PUBLIC PROPERTY OR RIGHT-OF-WAY OF THE CITY OF HOLLYWOOD PARK ONLY AND REPEALING CONFLICTING ORDINANCES.

WHEREAS, the current Code of Ordinances in order to limit visual clutter and promote a tasteful and aesthetically pleasing ambiance in the community does not authorize off premises billboards and commercial advertising signs; and

WHEREAS, the scenic beauty of the city is of utmost importance to the positive image of the city, enhancing the value of the city's residential and business areas; and

WHEREAS, it would be in the public interest of the city to authorize electronic signs under very limited and controlled circumstances on the public property or right-of-way of the City of Hollywood Park only.

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HOLLYWOOD PARK, TEXAS that Chapter 50-Signs is amended by renumbering section 50-11 as 50-20, reserving sections 50-12 through 50-19 and adopting a new section 50-11 as follows:

**“Sec. 50-11 ELECTRONIC SIGNS**

A. Electronic signs are signs, displays or devices that change messages or copy by programmable electronic or mechanical processes. This definition of electronic signs is based upon the definition of electronic signs adopted by the Texas Department of Transportation effective July 1, 2011, and shall be amended as amended in the future by the Texas Department of Transportation.

B. Electronic signs may be located in any zoning district of the city on the public property or right-of-way owned by the City of Hollywood Park adjacent to Loop 1604 and US Highway 281. No more than one electronic sign may be installed adjacent to Loop 1604 and no more than two electronic signs may be installed adjacent to US Highway 281. No electronic sign shall be erected within one hundred and fifty feet (150') of a single-family residential zoned property unless the sign is shielded from view of the property.

C. Electronic signs must comply with all rules and regulations for electronic signs adopted by the Federal Highway Administration, United States Department of Transportation and the Texas Department of Transportation.

D. An electronic sign may not (1) be illuminated by flashing, intermittent, or moving lights; (2) contain or display animated, moving video, or scrolling advertising; (3) consist of a static image projected on a stationary object; or (4) be a mobile sign located on a truck or trailer. Electronic sign faces may not be located closer than one thousand five hundred feet (1,500') apart if facing the same direction of travel.

E. Electronic signs may not exceed eighty feet (80') in height from ground level to the top of the sign and its structure and may not have a display surface in excess of fourteen feet (14') high and forty-eight feet (48') wide.

F. Each message on an electronic sign shall be displayed for at least eight (8) seconds and a change of message shall be accomplished within two (2) seconds and must occur simultaneously on the entire sign face. Each sign must contain a default mechanism that freezes the sign in one position if a malfunction occurs. An electronic sign shall not display light of such intensity or brilliance to cause glare or otherwise impair vision of a driver or result in a nuisance to a driver. An electronic sign must automatically adjust the intensity of its display according to natural ambient light conditions. Electronic sign light intensity shall not exceed the standard of 0.3 foot candles above ambient light level at a distance of two hundred and fifty feet (250') as recommended by the Outdoor Advertising Association of America.

An electronic sign applicant shall provide written certification from its sign manufacturer that the light intensity has been factory pre-set not to exceed the above stated light intensity standard and that the intensity level is protected from end-user manipulation by password-protected software or other method as deemed appropriate by the City Council.

G. Any agreement with an electronic sign operator for the installation of an electronic sign shall contain provisions acceptable to the City Council for termination by the City, for indemnifying the city against any claims, liability, damages, injuries, deaths or other liabilities asserted against the city on account of damages approximately caused by the operator, and prohibiting the electronic sign operator from discriminating against advertisements by businesses located within the City of Hollywood Park as to rates, terms and other conditions of advertising.

H. Subject to the freedom of speech provisions of the United States and Texas Constitutions, any electronic sign operator shall reject advertising that is misleading, offensive, and in particular, the posting of obscene words or pictures.

I. Electronic signs shall display without charge messages sponsored by the City of Hollywood Park which advertise city or city related events or activities for reasonable intervals between the hours of 6:00 a.m. and midnight. The City of Hollywood Park, through appropriate personnel, may exercise its police powers to protect public health, safety, and welfare by requiring emergency information to be displayed via electronic signs. Upon notification, the sign operator shall display in appropriate sign rotations: Amber Alert emergency information, emergency

information regarding terrorist attacks or natural disasters. Emergency information messages are to remain in rotation according to the designated issuing agencies' protocols.

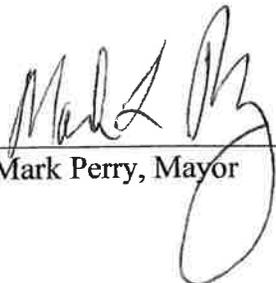
J. The Mayor shall be responsible for the negotiation of any agreement for the installation of electronic signs and shall submit any proposed agreement for final approval to the City Council before a building permit for an electronic sign may be issued. Any electronic sign operator shall provide all engineering needed to certify the safety and structural integrity of the sign and shall reimburse the city for the cost of reviewing the engineering report furnished to the city. A building permit application for an electronic sign shall be on forms provided by the City Secretary and shall be subject to the payment of an electronic sign permit fee.

K. Any regulatory requirement of this section which is more stringent than a similar regulatory restriction of the state or federal government shall prevail over the regulatory restriction of the state or federal government, and any regulatory restriction in this section which is less stringent than a similar regulatory restriction of the state or federal government shall yield to the state or federal government restriction.

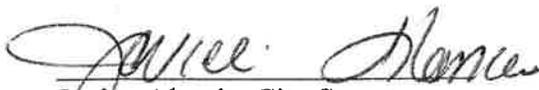
L. Sections 50-1, 50-2, 50-3, 50-4, 50-5, 50-6, 50-7, 50-8 and 50-9 of this chapter shall not apply to this section 50-11.

Ordinances No. 911 adopted on July 31, 2012 and No. 914 adopted on August 21, 2012 are hereby repealed.

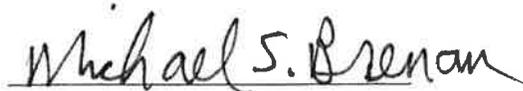
PASSED and APPROVED this 16<sup>th</sup> day of October, 2012.

  
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Mark Perry, Mayor

ATTEST:

  
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Janice Alamia, City Secretary

APPROVED AS TO FORM:

  
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Michael S. Brennan, City Attorney