



ORDINANCE NO. 22-0816-G1

AN ORDINANCE OF THE CITY OF ENNIS, TEXAS, AMENDING CHAPTER 14 – SIGNS OF THE CODE OF THE CITY OF ENNIS TO PROVIDE FOR DIGITAL BILLBOARDS, UPDATE REFERENCES TO UNIFIED DEVELOPMENT ORDINANCE, RENUMBER SECTIONS, PROVIDE DEFINITIONS, AND ADOPT FEES; PROVIDING A PENALTY NOT TO EXCEED THE MAXIMUM PERMISSIBLE FINE ALLOWED BY STATE LAW FOR EACH OFFENSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A CUMULATIVE/REPEALER; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Ennis, 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 Commission of the City of Ennis (“City Commission”) 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 Commission has investigated and determined it is in the best interest of Ennis residents to allow existing billboards to be converted to digital billboards, allow new digital billboards under certain conditions, and adopt standards for digital billboards; and

WHEREAS, the City Commission 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 COMMISSION OF THE CITY OF ENNIS, TEXAS:

Section 1. Findings Incorporated. The findings set forth above are incorporated as if fully set forth herein.

Section 2. Amendment to Section 14-10. That Section 14-10 in Chapter 14 – Signs of the Code of the City of Ennis is amended to read as follows:

Sec. 14-10. - Permit fees.

- (a) Every applicant, before being granted a permit to erect, construct, replace or relocate signage shall pay to the city a minimum review fee of fifty dollars (\$50.00) plus an accelerating rate, as identified in section 14-34, Fee schedule for signage permit, dependent on the value of uninstalled signage as outlined on the permit application, except as provided in this chapter.
- (b) If any work is started prior to obtaining a permit, the above specified fee shall be doubled to obtain the required permit. The double fee does not excuse full compliance with the provisions of this chapter.
- (c) Refunds shall be at the discretion of the chief building inspector.

Section 3. Amendment to Section 14-23. That Section 14-23 in Chapter 14 – Signs of the Code of the City of Ennis is amended to read as follows:

Sec. 14- 23. - Zoning.

Types of signs shall be allowed in the zoning classifications as determined in the Unified Development Ordinance.

Section 4. Amendment to Section 14-29. That Section 14-29 in Chapter 14 – Signs of the Code of the City of Ennis is amended to read as follows:

Sec. 14-29. – Billboards and off site signs.

(a) *Locations allowed.*

- (1) No billboard or off site sign shall be erected within the city limits of Ennis except along the Interstate Highway 45 road frontage.
- (2) Any billboard or off site sign shall be located in a commercial zoning district.
- (3) Billboards may only be located every fifteen hundred (1,500) feet. For the purpose of this requirement, the fifteen hundred (1,500) feet limitation is for the total length of IH45. In other words, the fifteen hundred (1,500) feet limitation does not apply to each side of IH45 but rather in total (both sides) length.
- (4) Billboards or off site signs shall only be allowed on lease pads that are a minimum of one hundred (100) feet by one hundred (100) feet in size and which abut a public road right-of-way.
- (5) At no time shall a billboard or off site sign be allowed to overhang or encroach into a public right-of way, alley, or easement or any other publicly designated or owned land.

(b) *Permit required.*

- (1) No person, firm, corporation or entity whatsoever shall be allowed to erect a billboard or off site sign until said person, firm, corporation, or entity shall have first obtained a permit therefore from the city commission through the Type II Site Plan review procedure in the Unified Development Ordinance.
- (2) The adopted fee schedule in effect at the time of the application for the Type II Site Plan review process shall apply.
- (3) The permit issued by the city commission shall be for a period of one (1) year and may be renewed annually by the inspection services department if all conditions set forth in the permit have been met and the annual fee is paid.
- (4) Each applicant for a billboard or off site sign shall submit its application on a form provided by the inspection services department.
- (5) A building permit application must also be completed for the structure itself. A set of engineered stamped plans shall be submitted to the inspection services department for review. The application must include the permit fee set forth in section 14-34.
- (6) Every permitted billboard or off site sign shall display the city billboard number in letters and numbers that are large enough (twelve-inch minimum) to be viewed from the nearest adjacent public road or thoroughfare.

(7) Any billboard or off site sign presently existing on the effective date of this chapter shall be declared a legal nonconforming sign; however, every owner of said legal nonconforming sign shall be required to secure a billboard or off site sign permit and shall be required to pay all permit fees required for said billboard or off site sign.

(c) *Installation requirements.*

(1) The lease area surrounding each and every billboard or off site sign shall be maintained by the owner thereof in a clean, sanitary and inoffensive condition and free and clear of all obnoxious substances, rubbish, weeds and tall grasses.

(2) All billboards or off site signs shall be mono pole in design and the entire structure shall be painted in walnut brown.

(3) A concrete pad (minimum ten (10) feet by ten (10) feet by five (5) inches) shall be constructed around the pole of the billboard or off site sign. The pole shall be located at the center of the concrete pad.

(4) Irrigated landscape shall be placed around the concrete pad as per the approved site plan. Alternative methods of landscaping may be considered by the planning and zoning commission.

(5) All electrical service to the structure shall be in accordance with the adopted code of the city.

(6) Illumination of the billboard or off site sign shall be such that light pollution to adjoining property owners or public roads or thoroughfares does not occur.

(7) No billboard or off site sign shall be installed closer than five hundred (500) feet to property that is residentially zoned or on the adopted land use plan as being a potentially designated residentially zoned property.

(8) Billboards or off site signs shall not display or contain any message or graphic of an obscene or indecent nature as determined by the city.

Section 5. Amendment to Add Section 14-30. That Section 14-30 is added to Chapter 14 – Signs of the Code of the City of Ennis Code to read as follows:

Sec. 14-30. – Digital billboards.

(a) *Permit required.*

(1) No person, firm, corporation or entity whatsoever shall be allowed to convert an existing, nonconforming billboard to a digital billboard until said person, firm, corporation, or entity shall have first obtained a permit therefore from the city manager or designee through the Type I Site Plan procedure in the Unified Development Ordinance, provided the digital billboard complies with the requirements of this section 14-30. The adopted fee schedule in effect at the time of the application for the Type I Site Plan review process shall apply. The permit issued by the city commission shall be for a period of one (1) year and may be renewed annually by the inspection services department if all conditions set forth in the permit have been met and the annual fee is paid.

(2) No person, firm, corporation or entity whatsoever shall be allowed to erect a digital billboard until said person, firm, corporation, or entity shall have first obtained a permit therefore from the city commission through the Type II Site Plan procedure in the Unified Development Ordinance, provided the digital billboard complies with the requirements of this section 14-30. The adopted fee schedule in effect at the time of the application for the Type II Site Plan review process shall apply. The permit issued by the city commission shall be for a period of one (1) year and may be renewed by the inspection services department if all conditions set forth in the permit have been met and the annual fee is paid.

(3) A building permit application must also be completed for the structure itself. All applications shall include the following:

a. Name, address, telephone number, and email of the person filing the application;

- b. Engineered drawings showing the digital billboard dimensions, specifications, materials, method of construction, and placement method in the ground;
 - c. An engineer's certification shall be required on any sign drawings;
 - d. Copy of stress sheets and calculations;
 - e. Written consent of the property owner of the site on which the digital billboard is to be erected;
 - f. Any electrical permit required and issued for the billboard;
 - g. Such other information as the city shall require to demonstrate full compliance with this chapter and all other laws and ordinances of the city; and
 - h. A permit fee set forth in section 14-34.
- (b) *Installation requirements.* All digital billboards shall comply with the following standards:
- (1) Design: The billboard shall be a monopole design, with architectural enhancements to the pole structure, and underground utility service;
 - (2) Maximum size. The dimensions of the digital billboard shall not exceed 672 square feet.
 - (3) Location. The location of a digital billboard shall comply with section 14-29(a);
 - (4) Setback from residential uses. No digital billboard shall be installed closer than five hundred (500) feet to property that is residentially zoned or on the adopted land use plan as being a potentially designated residentially zoned property.
 - (5) Landscaping. Irrigated landscape shall be placed around the pole structure. Alternative methods of landscaping may be considered by the city commission.
 - (6) Display. The sign may not display any illumination by flashing, intermittent or moving lights; does not contain or display animated, moving video or scrolling elements; nor projects a static image upon a stationary object;
 - (7) Face. A sign face is only visible from one (1) direction of traffic;
 - (8) Dwell time. 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;
 - (9) Message change. A change of message must occur simultaneously on the entire sign face;
 - (10) Malfunction. It contains a default design mechanism that freezes the sign in one (1) position if a malfunction occurs. 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 city to a level acceptable to the city;
 - (11) Dimmer. It will automatically adjust the intensity of its display brightness according to natural ambient light conditions;
 - (12) Emergency information. Protocol that is acceptable to the chief of police for coordination with public safety authorities to display, when appropriate, emergency information important to the traveling public such as Amber Alerts, or homeland security and natural disaster alerts. Emergency information messages must remain in rotation according to the issuing agency's protocols; and
 - (13) Content. Digital billboards shall not display or contain any message or graphic of an obscene or indecent nature as determined by the city.

Section 6. Amendment to Section 14-31. That Section 14-31 in Chapter 14 – Signs of the Code of the City of Ennis is amended to read as follows:

Sec. 14-31. - Wall-mounted signs.

- (a) Wall signs shall not exceed forty (40) square feet or the product of two (2) times the lineal footage of the wall area available to such signs or store frontage for which such signs are intended, whichever

is greater. Such wall signs shall not exceed seventy-five (75) percent of the width of the available wall area or store frontage. Wall signs shall not extend above the wall to which they are attached.

(b) The exposed face of the sign shall be not more than twelve (12) inches from said wall at the nearest point. However, electric wall signs may project not more than eighteen (18) inches from said wall.

(c) Wall signs must be located on the building of the business they are advertising.

(d) Buildings with a zero lot line may install a sign that extends over the right-of-way for a maximum of eighteen (18) inches. Signs which extend over the right-of-way shall not be any closer than five (5) feet to the traffic lanes and must maintain a minimum of ten (10) feet clearance under the sign. For any sign overhanging in public property, an encroachment agreement is executed in accordance with the requirements of this chapter and applicable codes.

Section 7. Amendment to Section 14-32. That Section 14-32 in Chapter 14 – Signs of the City of Ennis Code is amended to read as follows:

Sec. 14-32. - Historic downtown district.

(a) Signs located in the district defined as the historic downtown district shall be subject to this chapter and the Unified Development Code, with compliance to be determined by the historic landmark commission and city staff.

(b) The sign must reflect the style and period of the early Ennis era and maintain the theme for which the historic downtown district was designated.

(c) The sign must pass building and safety codes.

Section 8. Amendment to Section 14-33. That Section 14-33 in Chapter 14 – Signs of the Code of the City of Ennis is amended to read as follows:

Sec. 14-33. - Definitions.

The following words, terms 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:

Advertising sign means any sign which promotes or advertises commodities or services not offered on the premises where such signs are located off site.

Apartment sign means any sign identifying an apartment building or complex of apartments, on site.

Approved means accepted by the inspection services department as safe, structurally sound; not unsightly.

Banner means a temporary sign containing a worded message or graphic image composed of light-weight material secured or mounted so as to allow movement caused by wind.

Billboard (offsite) sign means the term off-site sign as used in this chapter is defined as a sign which directs attention to a business, commodity, service, product, goods, merchandise, entertainment, or attraction sold, offered or existing elsewhere other than upon the same lot where such sign is displayed. The term off-site sign does not include political yard signs erected without compensation for a limited time for the purpose of showing support for a candidate or for the defeat or passage of a particular measure. The term off-site sign shall also include and shall also be construed to include all outdoor advertising signs or billboards on which space is leased or rented by the owner thereof to persons, firms, corporations, or other entities for the purpose of conveying a commercial or non-commercial message.

Billboard, digital means a billboard that displays a digital image by remote or automatic. The sign must be operated by an entity possessing an outdoor advertising license issued by Texas Department of Transportation (TXDOT).

Construction sign means a temporary sign identifying the property owner, architect, contractor, engineer, landscape architect, decorator, or finances engaged in the design, construction or improvement of the premises on which the sign is located, on site.

Development sign means any temporary promotional sign pertaining to the development of land, on site.

Digital image means a static electronic image produced by digital technology displaying the full color spectrum with a television quality image.

Free-standing sign means a detached sign permanently anchored in or attached to the ground.

Height means measurement from the top of the curb of the nearest street adjacent thereto, or if there is no curb, from a point six (6) inches above the edge of the road surface, to the top of the sign structure.

Historic downtown district means the portion of the city that is designated and described in the Unified Development Code.

Identification sign means any sign used to identify shopping centers, industrial and commercial parks, and retail districts. These signs are not intended to identify individual businesses or activities within the center or district, on site.

Interstate 45 Corridor means the area parallel to Interstate Highway 45 within one thousand feet (1,000) of the right-of-way and which is zoned for business.

Illuminated sign means any sign internally illuminated by electric lights.

Incombustible material means any material which will not ignite at one hundred twenty two (122) degrees Fahrenheit or below, nor shall it continue to burn or glow at that temperature.

Institution sign means any sign used to identify a school, church, hospital or similar public institution.

Model home sign means any temporary sign used to advertise a particular structure represented by a model or show home, on site.

Monument sign means any permanent, low profile sign on a monument base, on site.

Multiple-tenant sign means a pole, monument or ground sign consisting of building identification and general business signs of the individual tenants.

Non-profit organization means an entity with funds and programs managed by its own trustees or directors, established to maintain or aid social, educational, charitable, religious or other activities serving the common welfare, i.e., schools, churches, YMCA, etc.

Obsolete sign means any sign without a valid current permit, or one which is deserted, surrendered or forsaken, unused, given up or relinquished with intention of never resuming a right or interest therein.

Off site means the sign referred to reflects goods, products or services provided at a location other than that which the sign occupies.

On site means the sign referred to reflects goods, products, or services provided at a location which the sign occupies.

Pole sign means a sign supported by and placed upon poles or standards.

Political sign means a temporary sign advertising a political candidate or party for elective office.

Portable signs means a sign whose principal supporting structure is intended, by design, use or construction, to be used by resting upon the ground for support and which may be easily moved or relocated for reuse. A sign commonly recognized as a "portable sign."

Primary sign means a sign left in place four (4) months or longer, the principal sign of a business.

Real estate sign means a temporary sign used to advertise the sale or lease of a piece of property, on site.

Required setback means the distance from the property line or right-of-way line of all streets adjacent to the premises on which a sign is located.

Sign means any surface, material or device visible from a public street and used for advertising with or without the display of letter, words, characters, designs, pictures or other information.

Sign support means any pole, post, strut, cable or other structural fixture or framework necessary to hold and secure a sign in a safe, structurally sound, and attractive manner.

Special event means a particular occasion or purpose that only happens once a year, or less often; an event that has a definitive beginning date, and ending date, not to exceed thirty (30) days. Must not be used to simply signify an item currently sold, traded, or housed in the establishment, that is offered at the regular price, (example: beer for sale here; soft drink products sold here); (acceptable examples: grand opening, store closing, twenty-five-year anniversary, etc.).

Stake sign means a sign whose supporting structure is so designed and shaped, usually by making one (1) end pointed, so as to be erected and used by pushing, pounding, hammering or forcing it into the ground so as to allow quick and easy placement, removal or relocation.

Subdivision sign means a permanent sign used to identify a specific subdivision, on site.

Temporary means any sign displayed less than three (3) months.

Traffic movement control sign means a sign which directs vehicular or pedestrian movement within or into the premises on which the movement control sign is located.

Vehicular sign means any sign on a vehicle.

Wall sign means any sign attached to the face of a building or incorporated thereon, to advertise businesses in that building.

Section 9. Amendment to Add Section 14-34. That Section 14-34 is added in Chapter 14 – Signs of the Code of the City of Ennis Code to read as follows:

Sec. 14-34. - Fee schedule.

(a) *Application fees for sign permits.*

Total Valuation	Fee
\$-0- to \$15,000.00	\$100.00
\$15,001.00 to \$50,000.00	\$100.00 for first \$15,000.00 + \$5.00 for each additional thousand
\$50,001.00 to \$100,000.00	\$273.00 for first \$50,000.00 + \$4.00 for each additional thousand
\$100,001.00 and up	\$473.00 for first \$100,000.00 + \$2.50 for each additional thousand

Fees are based upon the value of the sign itself and should not include other costs of installation.

(b) *Application fees for billboards, digital billboards and off site signs.* All applications for billboards, digital billboards, and off site signs shall be accompanied by a fee of one thousand dollars (\$1,000.00) per sign. The owner of a digital billboard shall obtain an annual inspection from the inspections services department and pay the annual fee of two hundred dollars (\$200.00).

Section 10. Penalty Clause. Any person, firm or corporation violating any of the provisions or terms of this Ordinance shall be subject to a penalty as provided by Section 1-14 the Code of Ordinances of the City of Ennis, Texas.

Section 11. Savings Clause. All rights and remedies of the City of Ennis, Texas, are expressly saved as to any and all violations of the provisions of the Ordinance or any other ordinance which have accrued at the time of the effective date of this Ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.

Section 12. Cumulative/Repealer Clause. This Ordinance shall be cumulative of all provisions of state or federal law and other ordinances of the City of Ennis, Texas, except where the provisions of this Ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed.

Section 13. Severability Clause. It is hereby declared to be the intention of the City Commission that the phrases, clauses, sentences, paragraphs and sections of this Ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance, since the same would have been enacted by the City Commission without the incorporation of this Ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

Section 14. Effective Date. This Ordinance shall become effective on 16th of August, 2022, and upon its publication as required by law.

PASSED AND APPROVED by the City Commission of the City of Ennis, Texas on this 16th day of August, 2022.



ANGELINE JUENEMANN, Mayor

ATTEST:



ANGIE WADE, City Secretary

