

ORDINANCE 2019-02-02

AN ORDINANCE OF THE CITY OF WESTON, COLLIN COUNTY, TEXAS, AMENDING ORDINANCE 2018-03-01, THE CITY'S SIGN REGULATIONS, PROHIBITING THE USE OF DIGITAL SIGNAGE; PROVIDING FOR A PENALTY FOR VIOLATION OF THIS ORDINANCE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; PROVIDING FOR CUMULATIVE REPEALER, SEVERABILITY, AND SAVINGS CLAUSES; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Weston, Texas is a Type A general-law municipality located in Collin County, created in accordance with the provisions of Chapter 6 of the Local Government Code and operating pursuant to the enabling legislation of the State of Texas; and

WHEREAS, the City Council has previously adopted Ordinance Nos. 2002-02-01, 2006-12-02 and 2006-04-03, 2007-03-01, and 2018-03-01 governing the placement, construction and maintenance of signs; and

WHEREAS, the City Council now desires to amend said Ordinance to adopt revised comprehensive regulations governing signs; and

WHEREAS, the City Council has determined that the regulations contained herein are in the best interest of the public health, safety and general welfare.

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

SECTION 1 AMENDMENT

1. Section 3 [Definitions] of Ordinance 2018-03-01 is hereby amended to include the following definitions:

- a. "CHANGEABLE ELECTRONIC VARIABLE MESSAGE SIGN (CEVMS) - means a sign which permits light to be turned on or off intermittently or which is operated in a way whereby light is turned on or off intermittently, 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, including light emitting diode (LED) or electronic message board or digital display, and which varies in intensity or color. A CEVMS does not include a sign located within the right-of-way that functions as a traffic control device and that is described and identified in the Manual on Uniform Traffic Control Devices (MUTCD) approved by the Federal Highway Administration or the Texas Department of Transportation.
- b. DIGITAL DISPLAY - for the purpose of this code shall have the same meaning as an Electronic Message Board (EMB) or a Changeable Electronic Variable Message Sign (CEVMS).
- c. ELECTRONIC MESSAGE BOARD (EMB) - means any sign with a fixed or changing display/message composed of a series of lights that may be changed through electronic means. Signs that contain alphabetic, pictographic or symbolic informational content can be changed or altered on a fixed display screen composed of electrically illuminated segments.
- d. PROHIBITED SIGN - Any sign listed in Section 18 herein, signs that do not comply with this or other applicable ordinances, and signs that are otherwise prohibited."

2. Section 18 [Prohibited Signs] of Ordinance 2018-03-01 is hereby amended as follows:

"J. Changeable Electronic Variable Message Sign (CEVMS)

K. Digital Display

L. Electronic Message Board (EMB)"

SECTION 2 PENALTY

Any person, firm or corporation who shall violate any of the provisions of this article or who shall fail to comply with any provisions hereof shall be guilty of a misdemeanor and upon conviction, shall be subject to a fine not to exceed Five Hundred Dollars (\$500), and each day that such violation continues shall constitute a separate offense and shall be punishable accordingly.

ORDINANCE 2019-02-02

**SECTION 3
PUBLICATION CLAUSE**

The City Secretary is hereby directed to publish the caption of this Ordinance in the Official City Newspaper as required by Section 52.011 of the Texas Local Government Code.

**SECTION 4
CUMULATIVE REPEALER CLAUSE**

This Ordinance shall be cumulative of all other Ordinances and shall not repeal any of the provisions of such Ordinances except for those instances where there are direct conflicts with the provisions of this Ordinance. Ordinances, or parts thereof, in force at the time this Ordinance shall take effect and that are inconsistent with this Ordinance are hereby repealed to the extent that they are inconsistent with this Ordinance. Provided however, that any complaint, action, claim or lawsuit which has been initiated or has arisen under or pursuant to such other Ordinances on the date of adoption of this Ordinance shall continue to be governed by the provisions of such Ordinance and for that purpose the Ordinance shall remain in full force and effect.

**SECTION 5
PROVISIONS SEVERABLE**

It is hereby declared to be the intention of the City Council that the phrases, clauses, 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 or sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

**SECTION 6
SAVINGS CLAUSE**

All rights and remedies of the City of Weston are expressly saved as to any and all violations of the provisions of any ordinance that has 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 7
EFFECTIVE DATE**

This Ordinance shall be in full force and effect from and after its passage and publication as provided by law, and it is so ordained.

PASSED AND APPROVED by Council this, the 19th day of February, 2019.



APPROVE

Patti Harrington
Patti Harrington, Mayor

ATTEST

Susan M Coffey
Susan Coffey, City Secretary