CITY CLERK DEPT. 11A
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ORDINANCE NO. 017317

AN ORDINANCE AMENDING TITLE 20 (ZONING) CHAPTER 20.18 (SIGN REGULATIONS) OF THE EL PASO CITY CODE TO AMEND ARTICLES I, II, AND III, TO ESTABLISH REVISED REGULATIONS FOR SIGNS; TO ADD DEFINITIONS; TO CONTINUE THE PROHIBITION OF CONVERTING BILLBOARDS TO CHANGEABLE ELECTRONIC VARIABLE MESSAGE (CEVM) DISPLAYS; TO CONTINUE THE PROHIBITION ON CEVM BILLBOARDS; TO EXTEND THE SIGN REGULATIONS TO THE CITY'S EXTRATERRITORIAL JURISDICTION; TO AMEND PROVISIONS FOR CONSTRUCTION OF NEW, STATIC, NON-CEVM BILLBOARDS; 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 establishing an exchange rate for new non-changeable electronic variable message (static) billboards will decrease the number of existing static billboards; and

WHEREAS, City Council has determined that the regulation of billboards is necessary to promote the health, safety, morals and general welfare of the community and to serve the esthetic and safety needs of the community,

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 Chapters 211 and 216, the City's zoning powers, and the City's inherent police powers.

20.18.020 Applicability

A. This chapter shall apply to the incorporated area of the City of El Paso, Texas, and as to off-premise signs (as defined herein), to the extraterritorial Jurisdiction area of the City of El Paso.
B. Compliance Required. No person shall hereafter erect, construct, reconstruct, alter, repair, locate or relocate a sign, or remove or demolish an off-premise or on- premise sign except in accordance with the provisions of this chapter, and failure to comply with this chapter shall constitute a violation of the code. Signs subject to this chapter may be subject to other requirements stated elsewhere within the code, and if in conflict, the stricter provision shall control. 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).
C. 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, to include the City, when the City has land use regulatory authority over such land. This chapter applies to signs on City property or the public right of way except as modified by Title 13 and/or Chapter 15.08. Nothing herein waives the proprietary rights the City has as a property owner.
D. Additional Regulations. Signs which are outside the regulatory scope of this chapter or the jurisdiction of the city may be subject to other laws, rules, regulations and policies. A permit issued under the provisions of this chapter does not constitute compliance with county, state or federal laws, rules, regulations and policies and it is the applicant's responsibility to comply with those laws.

20.18.030 Purposes

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

A To allow adequate opportunity for the exercise of free speech by the display of a message or an image on a sign, while balancing that opportunity against the community and public interests affected by signs.
B. To protect the health, safety, and general welfare of the City, its residents and to execute the policies of the City's Comprehensive Plan.
C. To enhance the aesthetic value of the City's landscape by reducing visual clutter that is potentially harmful to property values and economic development;
D. To protect adjacent and nearby properties from the impact of excessive or inappropriate signage;
E. 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
F. To preserve, protect and enhance areas of designated historical, architectural and scenic value.

20.18.035 Onsite and Offsite Distinction

Within this chapter, the onsite / offsite distinction applies only to commercial messages. Onsite has the same meaning as "on-premise" and "point-of-sale" and "point-of-purchase."

20.18.040 Findings

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

A. That the number, sizes and height of signs in the City, both off-premise and on-premise, 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

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 – see overhead sign
Auxiliary sign: a sign with no commercial advertising, except for the name or logo of the business or establishment, 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 equal to or greater than three hundred square feet of image display area, but less than six hundred seventy-two square feet of image display area.
Building marker sign: a sign indicating the name of a building, date of construction, or other incidental information about its construction and/or history. Includes cornerstones, foundation stones, and similar devices.
Business Day means a day on which City Hall is open to the public for regular business.

Canopy sign means a wall sign suspended from, mounted on or otherwise supported by a canopy, arcade or portal.
CEVMS – see changeable electronic variable message sign.
Changeable electronic variable message sign, also referred to by the acronym CEVM, means a sign which uses electronic technology that is capable of displaying changeable or intermittent images, such as by turning on or off various lighting elements. The term includes 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, or which changes the visual image more than one time per twenty four hour period. 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 even if the message is static. The term also includes any display, or device, which changes the "static" message or copy on the sign, in "slide show" fashion, by electronic means.
Commercial message means an image or message which proposes or promotes a commercial transaction, or concerns the economic interests of the advertiser and/or the audience. Contrast: noncommercial message.
Commercial mascot means a person or live animal decorated or attired with commercial advertising insignia and displayed to the public for commercial advertising purposes. Includes sign clowns, sign twirlers, and "human sandwich board" type signs.
Community service sign: A sign displaying a non-commercial message relating to an event or activity sponsored by a governmental organization.
Construction sign means a sign displayed on a construction site during the time that actual construction is continuing.
Copy means the visually communicative elements of a sign.
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.
Display face or display area means that portion of a physical structure which can be used for the display of copy.
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. The term does not include automated facilities, such as electrical power transformer stations, broadcast towers, vending machines, *etc.*
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." Contrast: internally illuminated sign.

Extraterritorial Jurisdiction has the meaning stated in Texas Local Government Code 42.021.

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 irregular 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. The term applies regardless of whether a given message is commercial, noncommercial, or "public service" in nature.

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 within the sign.

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

LED or light emitting diode means a semiconductor diode that emits light when conducting current; as used in this Chapter, the term also includes functionally equivalent technologies.

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 motor 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 messages sponsored by three or more or establishments, each of which holds a separate certificate of occupancy, located on the same lot or premises.

Noncommercial message means a communicative visual image 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 which was legally erected prior to enactment or amendment of this code and which has been 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. Also referred to as a legal nonconforming sign.

Off-premise sign, also called offsite or non-point-of-sale 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 housing project which is under development or in an initial sale program.

On-premise sign, also called an onsite or point-of-sale 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. Products or services which are expected to be offered at the same location in

the near future also qualify as "on-premise."
Overhead sign means a sign which is visible only from above, as from an airplane or helicopter, and is generally not visible to, or oriented for viewing by, 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 and having a minimum width less than thirty-three percent of the sign structure width.
Portable sign means an inanimate sign which, by virtue of its physical structure, is easily moved from one location to another. Common examples include signs on vehicles, trailers, or wheels.
Poster means a billboard with a display face area equal to or greater than seventy-two square feet but less than three hundred square feet.
Primary or Principal sign means the monument or pole sign along a 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, or wall.

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" is inclusive of both on and off premise signs, including billboards, and 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
- Architectural features. Decorative or architectural features of buildings (not including lettering, trademarks or moving parts), which do not perform a communicative function
- Fireworks
- Foundation stones and cornerstones which are permanent in nature and incapable or not intended for 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 or dwelling unit)
- 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 or appliances worn for the principal purpose of holding a sign);
- 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 and offered for sale.

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.
3. Small format billboard means a billboard which has a display face of less than 72 square feet.

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

Static billboard means a billboard which displays a single visual image that does not change more frequently than once per 24-hour period and does not include LED or CEVM or functionally equivalent technology.
Structure area means the entire area of a monument sign structure, which is computed by multiplying the sign height by the sign structure width.
Structure support width 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 housing 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 a 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. Such devices are also known as "aircrows," "wind dancers" and "air dancers."
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 sign identifying a residential subdivision which is still in construction where the sign is located.
Tri-vision sign means a rotating slat sign whose rotation is completed within one second and the message is stationary for at least 8 seconds following a rotation.
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. The purpose of a permit is to ensure compliance with the provisions of this Chapter. A sign permit shall be required prior to the placing, erecting, constructing, moving, installing, displaying, mounting, reconstructing, repairing, relocating or demolishing of any sign, unless the subject sign is expressly exempted from the permit requirement by this chapter or other applicable law. Ordinary minor repairs and maintenance may be made with approval of the

building official without a permit. Minor repairs are defined as the replacement of nuts and bolts; nailing, riveting or welding; cleaning and painting; replacement of parts, as long as the basic design or structure of the sign is not altered and materials of the same type are used. However, no such repairs shall violate the non conforming signs provisions of contained in the city code. If the building official makes a determination that a permit is not needed, such decision will be noted by date and type of repair in the City's permitting system for registered signs. Signs requiring a permit shall comply with the provisions of this chapter and all other applicable laws and ordinances.

B. All new billboards erected within the city shall have the permit number affixed to the structure below the sign face. The number must be visible for a distance of fifty (50) feet from the pole supporting the billboard.

C. Decision time. As to all signs which require a permit, the decision on the application for such permit shall be made within thirty business days of submission of a complete application. Decisions on appeals to the zoning board of adjustment shall be made by the zoning board of adjustment within 30 business days from the date the board hears the appeal. This time limit shall apply anew to each stage of review or appeal. 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. Unless the applicant waives time, failure of the Director to issue a written decision within thirty business days shall constitute denial of the application. During the application and appeal procedures, the status quo shall be maintained, unless an existing sign, by virtue of its physical condition, presents an immediate and significant threat to the public safety, in which case it may be removed or repaired pending the outcome of the appeal.

D. Review criteria. When reviewing a sign permit application, no consideration shall be given to the proposed message or the proposed graphic design, so long as the intended message is within the protections of the First Amendment to the U.S. Constitution and / or corollary provisions of the Texas Constitution. This provision does not prevent consideration of whether a sign will or will not be used to display offsite commercial messages. 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.

E. Any existing moratorium imposed by ordinance of city council regarding the acceptance and issuance of permits shall not apply to the application for and the issuance of permits required under this Code when the purpose is to achieve Code compliance, or applications or permits for the repair and maintenance of existing legal signs, provided that such maintenance and repair does not structurally alter the sign.

F. 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.

G. 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 of Development Services. 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 installer. One electronic copy, in a format authorized by the Director, 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, 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 the property;

g. Structural and wind load calculations;

h. Name, address and city or state sign electrical contractor license number of applicant;

i. If the proposed sign is over twenty-four feet high, the certification of an engineer licensed or registered in Texas; 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 in a format authorized by the Director

2. A statement by the owner of the proposed sign as to 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 billboard sign demolitions and/or relocations and/or replacements.

1. Size and location of all sign(s) to be removed or relocated;
2. Photograph or digital image of all sign(s) to be removed;
3. A copy of the original permit for the sign(s) to be removed;

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.

B. 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.

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

E. Revocation or Cancellation. The Director shall revoke any approval or permit upon refusal or failure 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 ten (10) days opportunity to cure.

F Permits Issued in Error. Any approval or permit issued in error may be summarily revoked at any time by the City upon written notice to the holder of the reason for the revocation.

20.18.115 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. The Zoning Board of Adjustment shall hold a duly noticed public hearing thereon, and issue a written decision thereon, within 30 business days. Failure of the Board to render a decision within the time specified hereunder shall deem the appeal denied. The written decision shall make findings and state reasons, supported by evidence in the record, for the decision. In determining the appeal, the Zoning Board of Adjustment shall not consider message content or graphical design of the sign, unless the message or image has no protection under the First Amendment to the U.S. Constitution.

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 and severally 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. After inspection by the Building Official, the following signs may be subject to removal by the City, in accordance with the procedure enumerated herein; however, the city may at any time under its police powers immediately remove signs which constitute and immediate danger to persons or property without going through the procedures identified herein:

1. Signs or their supporting structures which 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;
3. Any sign erected without permit that cannot be registered under the provisions in this Chapter.

B. 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, via certified mail, 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 the city's official website.
3. If no response is received by the building official within ten working days from the date of receipt of notification, or 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.

C. 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, as to billboards only, the city's extraterritorial jurisdiction. The following sign types are prohibited:

A. New billboards, except as provided herein.
B. Off-premise commercial wall signs, except as provided herein.
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 is likely to be confused with official traffic signs.
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, cell phone, microwave or broadcast towers, operable or inoperable, used as signs.
N. Signs, any portion of which revolves or rotates at a speed greater than three revolutions per minute.
O. Animated, flashing, running light or twinkle signs, including changeable electronic variable message (CEVM) signs, except that CEVM on premise signs which conform to the provisions Article III of this chapter are allowed.
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.
T. Changeable electronic variable message ("CEVM") billboards.

SECTION 3. That Chapter 20.18 (Sign Regulations), Article III (Billboard Regulations), of the El Paso City Code, shall 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. Static Billboards or non-CEVM billboards

1. Construction of new static billboard or non-CEVM billboards are prohibited unless the owner or applicant complies with the following provisions and shall only be constructed in C-2, C-3, C4, M1, M2, and M3 districts:

a. Non- transit corridors. In order to construct one new static non-CEVM billboard, the applicant must demolish and permanently remove at least one legally permitted and erected existing billboard structure of the same size.

b. Transit Corridors. Interstate Highway 10, Alameda Avenue, Dyer Street, Mesa Street, and Montana Avenue are defined as transit corridors for the purposes of this Chapter. In order to construct one new static non-CEVM billboard, the applicant must demolish and permanently remove at least two legally permitted and erected existing billboard structures of the same size from any of the five transit corridors.

c. The applicant requesting the permit for a new static non-CEVM billboard shall identify the locations and total display face area of the existing billboard sign structures to be demolished, and obtain a demolition permit for each billboard sign structure to be removed prior to issuance of the permit for the new billboard. Each of the billboard structures identified to be demolished must be demolished and the entire structure completely removed prior to the construction and operation of the new static billboard.

d. The application for the replacement permit for the new static non-CEVM billboard sign shall be submitted to the development services department within nine months of the issuance of the demolition permit(s) for the removed billboard(s). If an application permit is not submitted within that time, then the replacement permit shall not be issued for the removed billboards signs and no credit shall be given for the removal of such billboard(s).

e. The size of the new static non-CEVM billboard shall be the same as the size of those billboard structures removed, except that the following shall be allowed:

1. One bulletin billboard structure shall be permitted for two existing legally permitted and erected poster billboard structures removed,

2. One poster billboard structure shall be permitted for four existing legally permitted and erected junior billboard structures removed,

3. One bulletin billboard structure shall be permitted for eight existing legally permitted and erected junior billboard structures removed;

f. If the new billboard structure is double-faced, then all structures removed shall be double-faced.

g. The new static non-CEVM billboard sign must comply with all of the provisions of this Chapter and the City Code, including but not limited to electrical, plumbing, grading, etc.

20.18.210 Time for construction

Construction of new static non-CEVM billboards must be completed within six months after issuance of a permit. One six-month extension may be granted by the Director upon a showing that the permittee has diligently attempted to complete the installation.

20.18.220 Size and height

A. In zoning districts C-2, C-3, C4, M1, M2, and M3 districts on Interstate Highway 10, new static non-CEVM billboards may have display faces up to six hundred seventy-two square feet in area, with the top of the display face not more than forty-two and a half feet above the grade of the freeway, expressway, or interstate regulated highway.
B. In zoning districts C-2, C-3, C4, M1, M2, and M3 districts on major arterials, super arterials, or higher category arterials, new static non-CEVM billboards may have display faces up to three hundred square feet in area, with the top of the display face not more than thirty-five feet above the grade of the freeway, expressway, or interstate regulated highway.

20.18.230 Setback requirements for New Static, Non-CEVM Billboards

A. New Static, Non-CEVM Billboards must be at least 350 feet from the property line of any A. New Static, Non-CEVM Billboards must be at least 350 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. New Static, Non-CEVM Billboards signs up to seventy-two square feet in area must be thirty-five feet from the property line of the following zoning districts when located on the same side of the street: C-1 and C-5.
C. Signs larger than seventy-two square feet must be fifty feet from the property line of the following zoning districts when located on the same side of the street: C-1 and C-5.
D. No new static non-CEVM billboards will be allowed within thirty- five feet of a freestanding on-premise sign on the same side of the street.

20.18.240 Spacing for New Static Non-CEVM Billboards

A. Static, Non-CEVM billboards shall be spaced 1,500 feet apart from other static, non-CEVM billboards on the same side of the street or road.
B. All measurements made under this subsection are in feet and measured linearly from the display face of the sign.
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

New, static, non-CEVM billboards 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.	Within 500 feet of any designated historical landmark, site or building property line.
B. All Historic Districts	Within the boundaries of the district and or within 500 feet of the center line of streets forming the boundaries of the district.
C. Designated Special Districts Central Business District	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	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)	Within a 1,200 feet radius from Mission steeple.
Mountain Development Area (MDA)	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	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)	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)	Within 1,500 feet of this intersection.
I-10 at Loop 375 (Americas Avenue)	Within 1,500 feet of this intersection.
E. Designated Scenic Corridors	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	Within 1,500 feet of the property line.
G. School, Church or Hospital	Within 500 feet of the property line.
H. Ports of Entry	
Santa Fe/Stanton	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	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	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)	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.
	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	Within 1,500 feet from the property line of a port-of-entry.

20.18.280 Construction of billboards

The following shall govern the construction of any static non-CEVM billboard sign:

A. Stacked billboards are prohibited;
B. V-shape billboards 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.

20.18.290 Relocation of certain billboards for a city public works project or 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 city public works project or 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.

20.18.300 Lighting

Billboards which contain, include or are illuminated by any flashing, intermittent or moving light or lights, to include changeable electronic variable message ("CEVM"), or LED technology, are prohibited.

20.18.310 Cleanliness of billboard site

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

20.18.320 Registration of existing billboards

Not later than one hundred and eighty days after the effective date of this ordinance, the owner and, if different, operator of each billboard legally erected pursuant to a permit issued prior to the effective date of this section, shall either register the billboard with the Development Services Department or remove the billboard at the owner's expense. The billboard owner must provide the original permit as part of the registration of each billboard. If the billboard owner cannot provide the original permit, then an affidavit shall be submitted to the development services department based on the following requirements:

1. File an affidavit with the city stating that the billboard, to the best of the owner's knowledge, lawfully existing as of the date of adoption of the applicable code in effect at the time that the billboard was permitted (or that there was no permit requirement in effect at the time the billboard was first installed). Said affidavit shall include a statement providing the basis for the person's knowledge of the statement made; and
2. Provide two documents to include, but not limited to, aerial photography, information on file with the central appraisal district, payment of city taxes for the sign, affidavits of surrounding property owners or occupants knowledgeable of the existence of the billboard; and
3. Provide evidence that permits, whether electrical, structural, repair, or other city permits, were issued by the City for work to be completed on the sign.

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 4th day of May, 2010.

SIGNATURES ON FOLLOWING PAGE

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 S. McElroy, Deputy Director
Development Services Department

CITY CLERK DEPT.
10 MAY -6 PM 5:44