

**ORDINANCE NO. 238-2000**  
(Notice Amendment Ordinance 328-2007)  
(Notice Amendment Ordinance 343-2008)

**AN ORDINANCE OF THE CITY OF VENUS, TEXAS, REGULATING SIGNS; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY CLAUSE; PROVIDING AN ENGROSSMENT AND ENROLLMENT CLAUSE; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City of Venus, Texas, is a general law city operating pursuant to the laws of the State of Texas, by and through the action of its duly elected council members;

**WHEREAS**, the City is authorized and empowered to enforce ordinances necessary to protect welfare of its inhabitants (51.012, Texas Local Government Code);

**WHEREAS**, the City Council deems it necessary to regulate the placement and type of signs within the City; and

**WHEREAS**, the City Council has determined that it is necessary to enact this ordinance to protect the health and welfare of its residents.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF VENUS, TEXAS, THAT:**

**SECTION 1. GENERAL**

A sign in the city limits or ETJ of the City of Venus shall not, hereafter, be erected, re-erected, constructed, altered or maintained, except as provided by this Ordinance, and after a permit has been issued by the appropriate official.

**SECTION 2. DEFINITIONS**

For the purpose of this code, certain terms, phrases, words and their derivatives shall be construed as specified in this chapter or as specified in the Building Code. Where terms are not defined, they shall have their ordinarily accepted meanings within the context in which they are used. Words in the singular include the plural and the plural the singular.

**APPROVED PLASTIC MATERIALS.** (See "Plastic Materials, approved.")

**BUILDING CODE** is the Uniform Building Code promulgated by the International Conference of Building Officials.

**BUILDING OFFICIAL** is the officer, or other designated authority, charged with the administration and enforcement of the Building Code.

**COMBINATION SIGN** is a sign incorporating any combination of the features of pole, projecting and roof signs.

**CURB LINE** is the line at the face of the curb nearest to the street or roadway. In the absence of a curb, the curb line shall be established by the jurisdiction's engineer. (See "Legal Setback Line.")

**DISPLAY SURFACE** is the area made available by the sign structure for the purpose of displaying the advertising message.

**ELECTRIC SIGN** is any sign containing electrical wiring, but not including signs illuminated by an exterior light source.

**FIN SIGN** is a sign which is supported wholly by a one-story building of an open-air business, or by poles placed in the ground, or partly by such a pole or poles and partly by a building or structure.

**GROUND SIGN** is a billboard, or similar type of sign, which is supported by one or more uprights, poles or braces in or upon the ground, other than a combination sign, fin sign or pole sign, as defined by this code.

**LEGAL SETBACK LINE** is a line established by ordinance beyond which a building, may not be built. A legal setback line may be a property line.

**MARQUEE** is a permanent roofed structure attached to and supported by the building and projecting over public property.

**NONCOMBUSTIBLE**, as applied to building construction material, means a material which, in the form in which it is used, is either one of the following:

1. Material of which no part will ignite and burn when subjected to fire. Any material conforming to U.B.C. Standard No. 4-I shall be considered noncombustible within the meaning of this section.
2. Material having a structural base of noncombustible material, as defined in Item 1 above, with a surfacing material, not over 1/8 inch thick, which has a flame-spread rating of 50 or less.

“Noncombustible” does not apply to surface finish materials. Materials required to be noncombustible for reduced clearances to flues, heating appliances, or other sources of high temperature shall refer to material conforming to Item . No material shall be classed as noncombustible which is subject to increase in combustibility or flame-spread rating beyond the limits herein established, through the effects of age, moisture or other atmospheric condition.

Flame-spread rating, as used herein, refers to rating obtained according to tests conducted as specified in U.B.C. Standard No. 42-I

**NONSTRUCTURAL TRIM** is the molding, battens, caps, nailing strips, latticing, cutouts, or letters and walkways which are attached to the sign structure.

**PLASTIC MATERIALS, APPROVED**, shall be those having a self-ignition temperature of 650°F or greater, and a smoke-density rating not greater than 450, when tested in accordance with U.B.C. Standard No. 42-I in the way intended for use, or a smoke-density rating no greater than 75, when tested in the thickness intended for use by U.B.C. Standard No 52-2. Approved plastics shall be classified, and shall meet, the requirements for either CC1 or CC2 plastic.

**POLE SIGN** is a sign wholly supported by a sign structure in the ground.

**PORTABLE DISPLAY SURFACE** is a display surface temporarily fixed to a standardized advertising structure, which is regularly moved from structure to structure at periodic intervals.

**PROJECTING SIGN** is a sign, other than a wall sign, which projects from and is supported by a wall of a building or structure.

**PROJECTION** is the distance by which a sign extends over public property, or beyond the building line.

**ROOF SIGN** is a sign erected upon, or above, a roof or parapet of a building or structure.

**SIGN** is any medium, including its structure and component parts, which is used or intended to be used to attract attention to the subject matter for advertising purposes, other than paint on the surface of a building.

**SIGN STRUCTURE** is any structure which supports, or is capable of supporting, a sign, as defined in this code. A sign structure may be a single pole, and may or may not be an integral part of the building.

**STRUCTURE** is that which is built or constructed; an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner.

**TEMPORARY SIGN** is any sign, banner, pendant, valance or advertising display constructed of cloth, canvas, light fabric, cardboard, wallboard or other light material, with or without frames, intended to be displayed for a limited period of time only.

**U.B.C. STANDARDS** is the Uniform Building Code Standards volume, promulgated by the International Conference of Building Officials.

**WALL SIGN** is any sign attached to or erected against the wall of a building or structure, with the exposed face of the sign in a plane parallel to the plane of said wall.

### **SECTION 3. EXEMPT SIGNS**

The following signs shall be exempt from the provisions of this section:

1. Official notices authorized by a court, public body or public safety official;
2. Directional, warning or information signs authorized by federal, state or municipal governments;
3. Memorial plaques, building identification signs and building cornerstones, when cut or carved into a masonry surface, or when made of noncombustible material, and made an integral part of the building or structure;
4. The flag of a government or a noncommercial institution, such as a school;

5. Religious symbols and seasonal decorations within the appropriate public holiday season.

#### **SECTION 4. SIGNS IN RESIDENTIAL ZONES**

(a) Residential Development Signs. Residential developments, of four or more dwelling units, shall be permitted one development complex sign for each public street frontage not within the project (or for each entrance in the case of a subdivision project). Such signs may be placed in any location on private property, provided the sign complies with the same height limitations specified for fences. Maximum sign area for each sign shall be two (2) square feet, plus one (1) square foot for each dwelling unit or lot, not to exceed twenty-five (25) square feet in area per face.

(b) Business Signs. Nonconforming and conditionally permitted commercial and institutional uses shall each be permitted façade signage and/or one freestanding sign per public street frontage, not to exceed a combined total of twenty-five (25) square feet in area for every one hundred and fifty (150) feet, one (1) square foot of additional sign area shall be allowed for each six (6) feet of frontage up to a maximum of eighty (80) square feet per sign. The height of a freestanding business sign shall not exceed that specified for fences. The height of freestanding signs for other conditionally permitted uses, such as churches and schools, shall be limited to fifteen (15) feet.

#### **SECTION 5. SIGNS IN COMMERCIAL ZONES**

(a) Development Complexes. All development complexes shall require a master signage plan pursuant to the requirements of this section, prior to the installation of any signage.

(b) Business Signs. Each enterprise, institution or business shall be permitted wall signs, one under-canopy sign per street frontage and one freestanding sign each, subject to the following maximum size requirements. (Note: Multiple businesses in the same building shall apportion façade length, building wall and street frontage such that any maximum is not exceeded for a particular property).

1. Maximum wall sign area. Total area of wall signage shall not exceed two (2) square feet for each lineal foot of the building wall from which the signage is attached, not to exceed forty (40) square feet.
2. Maximum freestanding sign area. One (1) square foot for each lineal foot of width of the canopy, awning, marquee or similar structure from which the sign is suspended, as measured perpendicular to the building wall.
3. Under-canopy sign area and dimensions.
  - A. The maximum allowable sign area shall be one (1) square foot for each lineal foot of width of the canopy, awning, marquee or similar structure from which the sign is suspended, as measured perpendicular to the building wall.
  - B. The maximum allowable horizontal length of an under-canopy sign shall be equal to the width of the canopy, awning, marquee or similar structure from which the sign is suspended, as measured perpendicular to the building wall.
  - C. The minimum vertical clearance between the lower edge of an under-canopy sign and the ground shall be eight (8) feet.

#### **SECTION 6. SIGNS IN MANUFACTURING ZONES**

(a) Development Complexes. All development complexes shall require a master signage plan pursuant to the requirements of this section, prior to the installation of any signage.

(b) Building Identification Signs. One building identification sign for each building shall be permitted, provided that no such sign shall exceed twenty-five (25) square feet in area.

(c) Business Signs. Each enterprise, institution, franchise or business shall be permitted wall signs, under-canopy sign per street frontage, and one projecting or freestanding sign per street frontage, each subject to the following maximum size requirements. (Note: Multiple businesses in the same building shall apportion façade length, building wall, and street frontage such that any maximum is not exceeded for a particular property.)

1. Maximum wall sign area. The total area of façade signage shall not exceed three (3) square feet for each lineal foot of the building wall from which the sign is attached.

2. Maximum projecting sign area. One (1) square foot for each 2 lineal feet of the building wall from which the sign projects, not to exceed sixty-four (64) square feet. The total area of projecting signs shall be subtracted from the permitted total area of façade signs.
3. Maximum freestanding sign area. One (1) square foot for each lineal foot of street frontage, not to exceed 100 square feet per sign.
4. Under-canopy sign area and dimensions.
  - A. The maximum allowable sign area shall be one (1) square foot for each lineal foot of width of the canopy, awning, marquee or similar structure from which the sign is suspended, as measured perpendicular to the building wall.
  - B. The maximum allowable horizontal length of an under-canopy sign shall be equal to suspended, as measured perpendicular to the building wall.
  - C. The minimum vertical clearance between the lower edge of an under-canopy sign and the ground shall be eight (8) feet.
5. Off-premises signs. Off-premises signs shall be permitted pursuant to the requirements of this section.

## **SECTION 7. GENERAL SIGN REGULATIONS**

- (a) Sign Illumination. Except for billboards, all sign illumination shall be from the interior or from floodlight projection, shielded to preclude glare visible from public rights-of-way and neighboring properties.
- (b) Rotating Signs. Rotating signs are permitted, provided that the outer edge shall not exceed a speed of four revolutions per minute, and the rotating portion of the sign shall be a minimum of ten (10) feet above the adjacent grade. No rotating sign shall extend over public right-of-way.
- (c) Roof-mounted Signs. Signs projecting above the point of intersection of the exterior wall of the building with its roof shall be mounted on a parapet, or within the same plane as such exterior wall. Sign area for roof-mounted signs shall be calculated the same as, and counted as part of the façade signs. Roof-mounted signs shall be allowed only within commercial and commercial retail areas.
- (d) Measurement of Sign Area. The square footage of a sign, made up of letters, words or symbols within a frame, shall be determined from the outside edge of the frame itself. The square footage of a sign composed of only letters, words or symbols shall be determined from imaginary straight lines drawn around the entire copy of grouping of such letters, words or symbols. Double-faced signs shall be calculated as the area of one side only. Three-dimensional or multifaceted signs shall be calculated as the maximum area visible from any single direction at any point in time.
- (e) Measurement of Freestanding Sign Height. The height of a freestanding sign shall be measured from the elevation of the crown of the nearest public street to the highest point of the freestanding sign or its supporting structure.
- (f) Condition and Maintenance. All signs shall be of rust-inhibitive material, or signs, together with all of their supports, braces, guys and anchors, shall be kept in good repair and in a safe state of preservation. The display surfaces of all signs shall be kept neatly painted or posted at all times.

## **SECTION 8. PROHIBITED SIGNS**

The following devices and locations are specifically prohibited:

1. Signs located in such a manner as to obstruct, or otherwise interfere with, an official traffic sign, signal, or device or obstruct or interfere with a driver's view of approaching, merging or intersecting traffic;
2. Except as provided for elsewhere in this code, signs encroaching upon, or overhanging, public right-of-way. No sign shall be attached to any utility pole, light standard, street tree or any other public facility located within the public right-of-way;
3. Cloth, paper, soft plastic, or similar advertising signs or devices, other than in rigid frames, as provided herein, except those intended as temporary signs, or as provided by Item 7 below;
4. Signs which blink, flash or are animated by lighting, in any fashion, that would cause such signs to have the appearance of traffic safety signs and lights, or municipal vehicle warnings, from a distance;
5. Portable signs, except as allowed for temporary signs;

6. Any sign attached to, or placed on, a vehicle or trailer parked on public or private property. The prohibition of this subsection does not prohibit the identification of a firm, or its principal products, on a vehicle operating during the normal course of business or being taken home;
7. Pennants, banners and private flags bearing any logo, product name, business name or other advertising, and balloons, except those temporarily attached to automobiles or temporarily displayed as part of a special sale, promotion or community event. For the purposes of this subsection, "temporary" means no more than 60 days in any calendar year;
8. Billboards are prohibited.
9. Changeable Electronic Variable Message Signs (CEVMS) are prohibited.

## **SECTION 9. SPECIFIC SIGN REQUIREMENTS**

- (a) Billboards in place prior to June 9, 2008.
  1. Maximum height from adjacent grade is forty-two (42) feet;
  2. Maximum area is three hundred (300) square feet;
  3. Minimum ground clearance is ten (10) feet;
  4. Minimum front yard setback is fifteen (15) feet;
  5. Minimum distance from residential zones is three hundred (300) feet measured along the street;
  6. Minimum distance from other billboards is one thousand (1,000) feet;
  7. Minimum distance from street intersection is two hundred (200) feet as measured from the right-of-way;
  8. Maximum number, per parcel of property, is one (1), excluding railroad right of way.
  9. All billboards shall have an annual inspection if they are on railroad right of way or within one hundred (100) feet of a public right of way; fee to be set by the City Council.
- (b) Directional Signs.
  1. No more than two directional signs per street entrance shall be permitted for any enterprise, business or institution.
  2. Such signs shall be for the sole purpose of ensuring safe and convenient access and egress to the use for which they apply.
  3. No such sign shall exceed two (2) square feet in area in the residential zones, and shall not exceed four (4) square feet in area in all other zones.
- (c) Wall Signs. In the commercial districts, such projecting parallel signs may project over public right-of-way, provided such signs shall not extend more than one (1) foot beyond the wall of the building, or impede free and complete use of the sidewalk for pedestrians.
- (d) Freestanding Signs.
  1. Freestanding signs shall not exceed fifteen (15) feet in height within fifteen (15) feet of any lot line abutting public street right-of-way. For each additional one (1) foot of setback beyond fifteen (15) feet, the sign height may be increased by two (2) feet provided that in no event shall a sign exceed forty-two (42) feet in height; provided, however, that freestanding signs, greater than fifteen (15) feet in height, may be set back from any lot line, abutting a street, a distance equal to the average street setback of all freestanding signs, in excess of fifteen (15) feet in height, located in adjacent properties, within two hundred (200) feet of the property line and on the same side of said street.
  2. All freestanding signs shall comply with the site distance triangular setback area height requirements specified by the applicable zone.
  3. A freestanding sign shall not be located closer than fifty (50) feet from another freestanding sign located upon another premises; provided, that this subsection shall not prohibit the ability to place one freestanding sign upon a premise that would otherwise have a right to such a sign; nor shall this subsection be applied in a manner that would require a setback for such freestanding sign in excess of what would otherwise be required by this chapter.
  4. Any sign within forty (40) feet of a property line abutting a street right-of-way shall not be located closer than two (200) feet from another freestanding sign on the same premises.
- (e) Projecting Signs. In the retail zone only, projecting signs may project over public right-of-way a maximum of four (4) feet, provided such signs shall not extend to within two (2) feet of the street curb, or the

improved shoulder edge of the traveled way, or impede free and complete use of the sidewalk for pedestrians.

(f) Off-premises Signs.

1. A nonprofit organization shall be eligible to apply for a conditional-use permit to allow a sign area bonus for a community event message sign. The purpose of this area bonus shall be to allow the display of changing messages and information on such matters as the date, time, location and sponsor of special events of community interest. Such signs shall meet the following standards and conditions:
  - A. Each nonprofit organization shall be eligible for a bonus for no more than one façade sign or one freestanding sign.
  - B. The maximum bonus available shall be fifty (50) percent of the base permitted sign area if located in a residential zone, or 100 percent if located in any other zone.
  - C. Permanent advertising of a commercial nature shall be allowed only in commercial zoning and shall not exceed 25 percent of the total area of the community event message sign.
  - D. The sign shall be made reasonably available to other community nonprofit organizations for the display of information about their special events or other announcements of a noncommercial nature.
  - E. The signs shall not be of a size, or cited in such a manner, that will substantially hinder the visibility of other legal signs on adjacent property.
2. In reviewing an application for a community event message sign, the planning commission, and city council on appeal, shall consider the following objectives, and may impose conditions to ensure that these objectives are met:
  - A. By virtue of the sign's design, size, location and other factors, including appropriate consistent with community aesthetic sensibilities.
  - B. The sign shall not be erected, or any electronic or electric changing copy be controlled, in a manner that will be a substantial distraction to motorist, thus causing a traffic hazard.

(g) Bus Bench Signs. Bus bench signs shall be limited to two (2) benches per lot.

## **SECTION 10. TEMPORARY SIGNS**

(a) Political Signs. (Fee exempt)

1. Political signs shall be permitted in all zones.
2. Such signs shall not exceed forty-eight (48) square feet in area and shall not exceed forty-eight (48) inches in height.
3. Political signs shall be permitted only for a period of sixty (60) days preceding the election and shall be removed within ten (10) days after the election, provided that signs promoting successful candidates or ballot propositions in a primary election may remain displayed through the general election.
4. Political signs shall not be placed within any public right-of-way.
5. Political signs established in violation of this subsection shall be immediately removed by the City.

(b) Portable Signs.

1. Portable signs shall not exceed thirty-two (32) square feet in area. Such square footage shall be applied and calculated as part of the total square footage permitted for all business signage permitted for the business or property.
2. Such signs shall be displayed not more than forty-five (45) days during any single calendar year.
3. There shall be no more than one (1) portable sign per parcel of property or business, whichever is lesser, permitted at any one time.
4. Electrification of all portable signs shall be in compliance with the National Electrical Code as adopted.
5. A Portable sign shall not be established or placed prior to obtaining a sign permit.

(c) Real Estate Signs. (Fee exempt)

1. Real estate signs shall be permitted in all zones, provided that all such signs shall be located upon the property to which they apply, except as provided for in Subdivision 4 of this subsection.
  2. Such signs shall conform with the following maximum size requirements:
    - Four (4) square feet in area for the first 10,000 square feet of lot area, not to exceed thirty-two (32) square feet
  3. Real estate signs shall be removed upon closing of the sale.
  4. In addition, real estate signs advertising the sale of lots located within a subdivision shall be permitted provided that there shall be no more than one sign per entrance and each sign shall be no greater than thirty-two (32) square feet in area, no greater than 8 feet in height, and erected no longer than a period of one year. Such signs may be installed off premises in order to direct visitors to the property.
- (d) Special Sale Signs.
1. Sale and grand opening signs shall be permitted in all zones provided that such signs are displayed no more than 15 consecutive days for every three months. Such signs shall be removed immediately upon termination of the sale or event that they advertise.
  2. All such signs must be attached to the façade, wall or window of the building occupying or conducting the sale or event which they advertise.
  3. No business shall have more than two (2) such signs for each façade or wall of the building to which they are attached.
  4. The total sign size shall not exceed 50 percent of the size of the permitted façade sign or four (4) square feet in area whichever is greater.
- (e) Promotional Signs. Promotional signs advertising a special community event such as a fair, farmer's market or parade may be permitted to be located over public right-of-way. The size, location and method of erection of such signs shall be subject to approval by the City pursuant to good engineering practices and shall be consistent with the paramount purpose of public right-of-way to provide safe and convenient traffic circulation. Alternatively, such signs may be permitted to be attached to the wall of a building subject to approval by the City.
- (f) Searchlights.
1. The operation of searchlights of similar lighting sources for advertising, display or any other commercial purpose is considered a temporary sign pursuant to the provisions of this section.
  2. Such signs shall be displayed no more than 5 consecutive days and in no event be used for advertising greater than 30 days during any single calendar year.
  3. Such signs shall not be permitted on a public right-of-way and may be immediately removed from such right-of-way by the City. The City may permit the placement of a searchlight on a public right-of-way if no reasonable alternative exists and if such placement will not obstruct traffic or create a safety hazard.
- (g) Streamers.
1. Streamers may be used to outline property lines and areas on a lot which display merchandise outdoors.
  2. Streamers shall be replaced or removed when torn or faded.
  3. Since the primary purpose of streamers is to make display areas more attractive, for those uses displaying streamer, for more than 90 days in a year, landscaping must be combined with streamer usage. Plans are to be approved by the City with the intent being to provide planting areas with street trees or continuous areas with ground cover, particularly, but not limited to, the area along property lines. The cost of the required landscaping per year need not exceed the cost of the streamers.

## **SECTION 11. MASTER SIGN PLAN FOR DEVELOPMENT COMPLEXES**

- (a) General. Signs for all development complexes shall comply with a master sign plan for the development, approved by the code official pursuant to this section. Said plan shall include all proposed sign locations, materials, structures and installation details to the extent known at the time of master sign plan submittal. Additional submittals or amendments to the master sign plan may be necessary as a new development complex becomes occupied or as businesses within a complex change. Signs within a development complex shall be subject to the following requirements.

- (b) Business Signs. Each enterprise, institution or business shall be permitted façade signs and no more than one (1) projecting sign subject to the maximum size requirements set forth for the applicable zone.
- (c) Freestanding Signs. Each development complex shall be permitted one (1) freestanding development complex sign per public street frontage. The maximum permitted sign area for each development complex sign shall be as provided within the applicable zoning district, plus a bonus of ten (10) additional square feet per business, enterprise, institution, or franchise within the development complex, provided that such bonus shall not exceed 50 percent of the base allowable sign area.
- (d) Performance Criteria. In addition to other applicable requirements set forth in this chapter, signs for development complexes shall conform to the following performance criteria:
  - 1. Individual business signs shall share a similar and uniform location and installation format.
  - 2. All non-business signage in the complex shall be consistent in format, color and design.

## **SECTION 12. CHANGE IN USE**

Whenever the use of land or structures changes, any signs that do not relate to the new use or to any product or service associated with the new use, shall be removed or appropriately altered consistent with the provisions of this section. Furthermore, it shall be the responsibility of the property owner of the land and/or improvements to remove any sign or signs on premises where the associated use has been discontinued for a period of more than 90 days.

## **SECTION 13. NONCONFORMING SIGNS**

Whenever a business, person, enterprise, or institution, for which existing signage does not conform to the requirements of this section, seeks to structurally alter or enlarge an existing sign, or erect or install a new sign, the provisions of this section shall apply as follows:

- 1. The alteration, enlargement, installation or erection of signage shall not increase the degree of nonconformity.
- 2. If the value of structural alterations to a nonconforming sign equals or exceeds 25 percent of the value of the sign, as determined by the building official, the sign shall be made to conform with all provisions of this section.
- 3. Enlargement, installation or erection of conforming signage shall be accompanied by a reduction in the degree of nonconformity for other signage existing on the premises. This reduction in nonconformity can be accomplished by a reduction in size of existing signs (if nonconforming as to square footage), removal (if nonconforming as to number of signs), relocation (if nonconforming as to location), or a combination of reduction, removal and relocation. The total cost of reduction, removal or relocation of nonconforming signage shall equal, as nearly as is practical, 75 percent of the value of the new or enlarged conforming signage, or the cost necessary to bring all signage on the premises into conformance with this section, whichever is the lesser requirement.
- 4. The provisions of Subsections 2 and 3 of this section do not apply to temporary signs or to illegal signs. Temporary signs that do not comply with the requirements of this chapter, and other illegal signs, shall be removed within 90 days after notification of the sign's nonconformity.
- 5. Billboards existing before June 9, 2008 may not be altered or replaced.

## **SECTION 14: PERMITTING**

Permit Required: A sign permit shall be required and obtained from the Building Inspections Department prior to its installation or construction or installation. All signs require a permit unless specifically exempted.

## **SECTION 15. REPEALER CLAUSE**

All ordinances or parts of ordinances not consistent or conflicting with the provisions of this ordinance are hereby repealed; provided that such repeal shall be only to the extent of such inconsistency and in all other respects

this ordinance shall be cumulative of other ordinances regulating and governing the subject matter covered in this ordinance. Any cause of action accruing prior to the passage of this ordinance shall continue as if this ordinance was not passed or any other ordinance had not been repealed.

#### **SECTION 16. SEVERABILITY CLAUSE**

That it is hereby declared that the sections, articles, subsections, paragraphs, sentences, clauses, and phrases of this ordinance are severable and if any phrase, clause, sentence, paragraph, subsection, article, or section of this ordinance shall be declared void, ineffective, or unconstitutional by a valid judgment or final decree of a court of competent jurisdiction, such voidness, ineffectiveness, or unconstitutionality shall not effect any of the remaining phrases, clauses, sentences, paragraphs, subsections, articles, or sections of this ordinance since the same would have been enacted by the City Council without the incorporation herein of any such void, ineffective, or unconstitutional phrase, clause, sentence, paragraph, subsection, article, or section.

#### **SECTION 17. PENALTY CLAUSE**

Any person, firm, association of persons, company, corporation, or their agents, servants, or employees violating or failing to comply with any of the provisions of this Article shall be fined upon conviction not less than one dollar (\$1.00) nor more than five hundred dollars (\$500.00), and each day any violation of non-compliance continues shall constitute a separate and distinct offense.

#### **SECTION 18. ENGROSSMENT AND ENROLLMENT CLAUSE**

The City Secretary of the City is hereby directed to engross and enroll this ordinance by copying the caption, penalty clause (if any), publication clause and effective date clause in the minutes of the City Council and filing the ordinance in the ordinance records of the City.

#### **SECTION 19. PUBLICATION CLAUSE**

The City Secretary is hereby directed to post or publish in the official newspaper of the City, the caption, penalty clause (if any), publication clause and effective date clause of newspaper is a weekly paper, as authorized by Section 52.011 of the Texas Local Government Code.

#### **SECTION 20. EFFECTIVE DATE**

This ordinance shall be effective after final passage and publication as required by law.

**PASSED AND APPROVED THIS THE 11<sup>TH</sup> DAY OF JULY, 2000.**

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#### **AMENDMENT ORDINANCE # 328-2007**

**AN ORDINANCE OF THE CITY OF VENUS, TEXAS, JOHNSON AND ELLIS COUNTIES, AN ORDINANCE AMENDING THE CITY OF VENUS SIGN ORDINANCE #238-2000, SECTION 10, (a), 4; PROVIDING A REPEALER CLAUSE; SEVERABILITY CLAUSE; ENGROSSMENT AND ENROLLMENT CLAUSE; AND AN EFFECTIVE DATE.**

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF VENUS, TEXAS, THAT:**

Section 1. Amendment

Ordinance #238-2000 be amended in the following fashion:

Section 10. TEMPORARY SIGNS

(a) Political Signs. (Fee exempt)

4. Political signs shall not be placed within any public right-of-way.

Be amended to read:

Section 10. TEMPORARY SIGNS

(a) Political Signs. (Fee exempt)

4. Political signs shall not be placed within any public right-of-way, *nor on any city/public property.*

Section 2. Repealer Clause

All ordinances or parts of ordinances not consistent or conflicting with the provisions of this ordinance are hereby repealed; provided that such repeal shall only be to the extent of such inconsistency and in all other respects this Ordinance shall be cumulative of other ordinances regulating and governing the subject matter covered in the ordinance. Any cause of action accruing prior to the passage of this ordinance shall proceed under this Ordinance, if possible, and if not, shall continue as if this ordinance has not been passed or any other ordinance had not been repealed.

Section 3. Severability Clause

It is hereby declared that the sections, subsections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable and if any section, subsection, paragraph, sentence, clause, or phrase shall be declared void, ineffective or unconstitutional by a valid judgment or final decree of a court of competent jurisdiction, such voidness, ineffectiveness, or unconstitutionality shall not affect any of the remaining sections, subsections, paragraphs, sentences, clauses, and phrases of this Ordinance since the same would have been enacted by the City Council without the incorporation herein of any such void, ineffective or unconstitutional section, subsection, paragraph, sentence, clause, or phrase.

Section 4. Engrossment and Enrollment Clause

The City Secretary is hereby directed to engross and enroll this Ordinance by copying the caption, penalty clause, publication clause and effective date clause in the minutes of the City Council and filing this Ordinance in the ordinance records of the City.

Section 5. Effective Date

This ordinance shall be effective after final passage.

PASSED AND APPROVED this the 21<sup>st</sup> day of May, 2007.

**AMENDMENT ORDINANCE #343-2008**

**AN ORDINANCE OF THE CITY OF VENUS, TEXAS, JOHNSON AND ELLIS COUNTIES, AMENDING SIGN ORDINANCE # 238-2000 BY THE PROHIBITION OF BILLBOARDS AND CHANGEABLE ELECTRONIC VARIABLE MESSAGE SIGNAGE WITHIN THE TERRITORIAL LIMITS AND EXTRATERRITORIAL JURISDICTION OF THE CITY OF VENUS.**

**WHEREAS**, the City of Venus, as a Type A general law municipality, is authorized by statute to promote and protect the general health, safety, and welfare of persons residing in and adjacent the municipality;

**WHEREAS**, the area adjacent to the municipality is defined as its extraterritorial jurisdiction pursuant to Texas Local Government Code §42.021;

**WHEREAS** the City Council is authorized to regulate signage within its territorial limits and ETJ to Texas Local Government Code Chapter 216;

**WHEREAS**, the City Council has determined that outdoor advertising signs, including changeable electronic variable message signs, pose a distraction to drivers, bikers and pedestrians from the roadway and, such, detract from the safety and welfare of persons residing in and adjacent the municipality, or those persons visiting or traveling through the City;

**WHEREAS**, the City Council has determined that in order to preserve and enhance the City as a desirable community in which to live and do business, a pleasing, visually attractive environment is of foremost importance; and these regulations are a highly contributive means by which to achieve this desired end and have been prepared with the intent of enhancing the visual environment of the City and promoting safety and continued well-being;

**WHEREAS**, the City Council agrees with the American Society of Landscape Architects' determination that outdoor advertising signs tend to deface nearby scenery, whether natural or built, rural or urban;

**WHEREAS**, the City Council agrees with courts that have recognized that outdoor advertising signs tend to interrupt what would otherwise be the natural landscape as seen from the highway, whether the view is untouched or ravished by man, and that it would be unreasonable and illogical to conclude that an area is too unattractive to justify aesthetic improvement;

**WHEREAS**, the City Council has determined that these regulations maintain and enhance the aesthetic environment, improve pedestrian and traffic safety, lessen unnecessary visual clutter that competes for the attention of pedestrian and vehicular traffic, regulates signs in a manner so as to not interfere with, obstruct the vision of or distract motorists, bicyclists or pedestrians, conserve, protect, and enhance the aesthetic quality of the City, protect property values by precluding sign-types that create a nuisance to the occupancy or use of other properties;

**WHEREAS** the City Council has determined that off-premise signs, commonly known as billboards, are inconsistent with the above stated goals; and

**WHEREAS** the City council has determined that changeable electronic variable message signs (CEVMS), as defined herein, are inconsistent with the above-stated goals;

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

**SIGN ORDINANCE #238-2000 OF THE CITY OF VENUS, TEXAS IS HEREBY AMENDED TO PROHIBIT BILLBOARDS AND CHANGEABLE ELECTRONIC VARIABLE MESSAGE SIGNAGE WITHIN THE CITY LIMITS AND ETJ OF VENUS, TEXAS.**

**PASSED AND APPROVED the 9<sup>th</sup> day of June, 2008, by the City Council of the City of Venus, Texas.**