

CITY OF ROCKWALL, TEXAS

ORDINANCE NO. 14-06

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE CODE OF ORDINANCES IN CHAPTER 32 SIGNS, ARTICLE III REGULATIONS AND REQUIREMENTS, DIVISION 3. FUNCTIONAL STANDARDS, SECTION 32-233. CHANGEABLE ELECTRONIC VARIABLE MESSAGE SIGNS (CEVM) TO REPEAL THIS SECTION IN ITS ENTIRETY AND PROVIDE FOR A NEW SECTION 32-233; PROVIDING FOR A PENALTY CLAUSE; PROVIDING FOR REPEALING, SAVINGS AND SEVERABILITY CLAUSES; PROVIDING FOR PUBLICATION; AND PROVIDING FOR AN EFFECTIVE DATE OF THIS ORDINANCE.

WHEREAS, the Rockwall City Council deems the public interest to be best served by the adoption of certain rules and regulations regarding Changeable Electronic Variable Message Signs as set forth herein;

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

SECTION 1. That the Code of Ordinances in Chapter 32. Signs, Article III. Regulations and Requirements, Division 3. Functional Standards, Section 32-233 is hereby repealed in its entirety and is replaced with a new Sec. 32-233 which shall hereby read in its entirety as follows:

Sec. 32-233. Changeable Electronic Variable Message Signs (CEVMs)

CEVMS signs are subject to the same size and location restrictions as other signs regulated by this division. In addition, CEVM signs are subject to the following restrictions:

- (1) *Location:* CEVM signs shall not be erected within 150 feet of a residential district or residential use unless the lighting is shielded from view from the residential district or residential use.
- (2) *Size:* The CEVM portion of any sign shall be limited to two hundred (200) square feet in message area.
- (3) *Dwell Time:* Messages shall remain static for a minimum period of five (5) seconds.
- (4) *Change of Message:* Any change of pictures or information on a CEVM sign shall not produce the illusion of blinking, flashing, expanding or contracting shapes, scrolling, rotation or any similar effect of animation. Message changes shall be accomplished within two (2) seconds or less and shall occur simultaneously on the entire sign face.

- (5) *Brightness*: The maximum brightness of a CEVM sign shall not exceed 7,500 Nits (candelas per square meter cd/m^2) during daylight hours or 750 Nits between dusk to dawn. CEVM signs shall be fitted with a light sensing device or contain software that is programmed to automatically adjust the brightness in accordance with these standards and the intensity of its display according to natural ambient light conditions. Further, prior to the issuance of a permit, the applicant shall provide written certification from the sign manufacturer that the light intensity has been factory pre-set not to exceed the levels specified above, and the intensity level is protected from end-user manipulation by password-protected software or other method.
- (6) *Malfunction*: CEVM signs shall be equipped with a properly functioning default mechanism that will cause the sign to revert immediately to a single, fixed image or to a black-screen if the sign malfunctions.
- (7) *Existing signs*: All CEVM signs in existence prior to the effective date of this Ordinance shall conform to the provisions of this subsection within 30 days of the adoption date of this ordinance [January 20, 2014].

SECTION 2. That any person, firm or corporation who violates any provision of this ordinance or who fails to obtain a special event permit shall be deemed guilty of a misdemeanor and upon conviction thereof, in the Municipal Court of Rockwall, TX, shall be subject to a fine in accordance with the general provisions of the Code of Ordinances.

SECTION 3. That all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

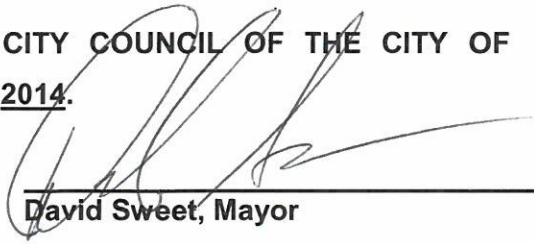
SECTION 4. That the Code of the City of Rockwall, Texas, as amended, shall remain in full force and effect, save and except as amended by this ordinance.

SECTION 5. That should any section, paragraph, sentence, clause, phrase or word of this ordinance be declared unconstitutional or invalid for any purpose by a court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby, and to this end the provisions of this ordinance are declared to be severable.

SECTION 6. That it is hereby found and determined that the meeting at which this ordinance was passed was open to the public as required by Section 551.001 et seq., Texas Government Code, and that advance public notice of the time, place and purpose of said meeting was given.

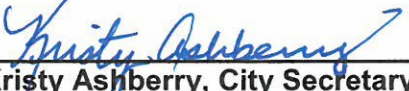
SECTION 7. That this Ordinance shall take effect immediately upon its second reading and newspaper publication as required by the City Charter, Section 3.11.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF
ROCKWALL, TEXAS, this 21st day of January, 2014.



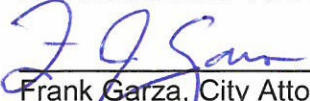
David Sweet, Mayor

ATTEST:



Kristy Ashberry, City Secretary

APPROVED AS TO FORM:



Frank Garza, City Attorney

1st Reading: 01-06-14

2nd Reading: 01-21-14

