

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF MANSFIELD, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF MANSFIELD, TEXAS AS HERETOFORE AMENDED BY AMENDING SUBSECTION C “SIGN CLASSIFICATIONS AND DEFINITIONS” OF SECTION 7100 “SIGN STANDARDS” TO CREATE A DEFINITION FOR ELECTRONIC MESSAGE CENTER, AMENDING TABLE 7100D “SCHEDULE OF SIGN STANDARDS” AND INSERTING A NEW SUBSECTION I “SPECIAL SIGN STANDARDS FOR ELECTRONIC MESSAGE CENTER”; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Planning and Zoning Commission and the governing body of the City of Mansfield, Texas, in compliance with the laws of the State of Texas with reference to the amendment of the Comprehensive Zoning Ordinance of the City of Mansfield, Texas (hereinafter “the Zoning Ordinance”), have given the requisite notices by publication and otherwise, and after holding due hearings and affording a full and fair hearing opportunity to all property owners generally and to all interested citizens, the governing body of the City is of the opinion and finds that the Comprehensive Zoning Ordinance should be amended;

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

SECTION 1.

That paragraph j. “Message Center” in Subsection 2 “Definitions” of Subsection C of Section 7100 of the Zoning Ordinance is hereby replaced by a new definition for “Electronic Message Center” to read as follows:

“j. **Electronic Message Center (EMC):** A sign that utilizes computer-generated messages or some other electronic means of changing copy.”

SECTION 2.

That the term “Message Center” is hereby replaced by the term “Electronic Message Center” wherever it appears in Section 7100 of the Zoning Ordinance.

SECTION 3.

That Table 7100D “Schedule of Sign Standards” of the Zoning Ordinance is hereby amended to allow Electronic Message Center only as monument sign as shown in Exhibit A attached hereto and made a part hereof for all purposes.

SECTION 4.

That Section 7100 is hereby further amended by inserting a new Subsection I to read as follows:

“I. Special Sign Standards for Electronic Message Center:

1. Electronic Message Centers (EMC) shall be equipped with a sensor or other device that automatically determines the ambient illumination and shall be programmed to automatically dim to within 0.3 footcandles over ambient illumination at night as measured per the EMC Illumination Measurement Criteria of the International Sign Association.
2. The applicant receiving a sign permit for an EMC shall provide a report demonstrating compliance with the requirements in Paragraph 1 above from a third party consultant prior to final inspection approval of the EMC.
3. When a complaint is received, the owner or operator of an EMC shall, if required by the City, provide an updated report to verify compliance with the requirements in Paragraph 1 above within five (5) business days.”

SECTION 5.

That all ordinances of the City in conflict with the provisions of this ordinance be, and the same are hereby, repealed and all other ordinances of the City not in conflict with the provisions of this ordinance shall remain in full force and effect.

SECTION 6.

Should any paragraph, sentence, subdivision, clause, phrase or section of this ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this ordinance as a whole or any part or provision thereof, other than the part so declared to be invalid, illegal or unconstitutional, and shall not affect the validity of the Zoning Ordinance as a whole.

SECTION 7.

Any person, firm, corporation or entity that violates or assists in the violation of any of the provisions of this Ordinance or fails to comply with any of the requirements thereof, or that builds or alters any building or use in violation of any plan or permit submitted and approve hereunder, shall be guilty of a misdemeanor and upon conviction shall be punished as provided in Section 10.99 of the Code of Ordinances of Mansfield, Texas. Each day such violation exists shall constitute a separate offense.

SECTION 8.

This ordinance shall take effect immediately from and after its passage on third and final reading and the publication of the caption, as the law and charter in such cases provide.

First reading approved on the _____ day of _____, 2015.

Second reading approved on the _____ day of _____, 2015.

DULY PASSED on the third and final reading by the City Council of the City of Mansfield, Texas, this _____ day of _____, 2015.

David L. Cook, Mayor

ATTEST:

Susana Marin, Interim City Secretary

APPROVED AS TO FORM AND LEGALITY

Allen Taylor, City Attorney