

ALEJANDRO GALAVIZ

Mayor

TERESA HOFFMAN

Council Member, Place 1

TONY BOVINICH

Council Member, Place 2



JESSICA KUYKENDALL

Council Member, Place 3

GERONIMO HERNANDEZ

Council Member, Place 4

DREW WILSON

Mayor Pro-Tem/

Council member, Place 5

VENUS REGULAR COUNCIL MEETING

Venus Civic Center

210 S. Walnut Street

Venus, Texas 76084

Monday, May 13, 2024 at 6:30 pm.

Page

1. Call to Order, Roll Call, Invocation, Pledge of Allegiance, Pledge to Texas Flag:

2. Announcements from Mayor:

Cell phones are to be placed on vibrate/silent only. No conversation or comment from the audience is permitted unless specifically called upon by the Mayor. Please remain respectfully quiet.

3. Citizen Public Comment Period:

Thank you for your participation in tonight's Public Comments Session. This segment is a crucial component of our local government meetings, where each speaker is allotted 4 minutes. While the City Council and I consider all input, the Texas Open Meetings Act mandates that this be a time for us to listen rather than engage in dialogue. Rest assured, our City Administrator and City Secretary are diligently recording notes should any actions be necessary. When you are ready, you may begin, and your time will start.

4. Consent Agenda:

All matters listed under consent agenda have been previously discussed, require little or no deliberation, or are routine by the council. If discussion is desired, then an item will be removed from the consent agenda and considered separately. Otherwise, approval of the consent agenda authorizes the City Administrator to implement each item in accordance with staff's recommendation.

- 4.1 Staff reports: Police Department, Fire Department, Finance, Court, Permits, and Public Works.

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[April 2024 VPD Report.pdf](#)  [April 2024-Court.pdf](#) 

- 4.2 Approval of meeting minutes for City Council Special called meeting on April 15, 2024.
- 4.3 Approval of a resolution related to an SP2125 application to TxDOT which will reimburse the City for expenses required to relocate water and sewer lines in TxDOT's easement during the widening of FM 157. 20 - 21
- [VENUS RESOLUTION utility move.doc](#) 
- [Staff Report - SP2125 TxDOT Utility Move.pdf](#) 
- I make a motion to approve/deny the consent agenda as presented.

5. Canvass:

- 5.1 Canvass votes for the City of Venus General and Special Election held on May 4, 2024.
- 5.2 Discuss and consider a Resolution declaring the results of the City of Venus General Election held May 4, 2024. 22 - 25
- [12-2024-05- VENUS Resolution Canvass 2024.pdf](#) 
- I make a motion to approve/deny Resolution No. 12-2024-05.
- 5.3 Discuss and consider a Resolution declaring the results of the City of Venus Special Election held on May 4, 2024. 26 - 28
- [13-2024-05- VENUS Resolution Canvass special Bluestem 2024.pdf](#) 
- I make a motion to approve/deny Resolution No. 13-2024-05.
- 5.4 Mayor to issue Certificates of Election to the newly elected members: Councilmember Sheryl Kiser, Councilmember Michelle Hamm, and Councilmember Drew Wilson. 29 - 31
- [Certification of Election - Kiser.pdf](#)  [Certification of Election - Hamm.pdf](#)  [Certification of Election - Wilson.pdf](#) 
- 5.5 Statement of elected City Council members disclaiming any payment, offer, promise to pay, contribute, or promise to contribute any money or thing of value, or promise of any public office or employment for the giving or withholding of a vote at the election or as a reward to to secure appointment 32 - 34

or confirmation.

[STATEMENT OF ELECTED OFFICER - Kiser.pdf](#) [STATEMENT OF ELECTED OFFICER - Hamm.pdf](#) [STATEMENT OF ELECTED OFFICER - Wilson.pdf](#)

- 5.6 Administer Oath of Office to the newly elected City Council members. 35 - 37

[OATH OF OFFICE -Kiser.pdf](#) [OATH OF OFFICE - Hamm.pdf](#) [OATH OF OFFICE - Wilson.pdf](#)

- 5.7 Newly elected Council members take their seat at the dais.

- 5.8 City Council members who have been sworn in may greet and address the public regarding and related to their election.

6. Presentations and Proclamations:

- 6.1 Mayor to present exiting Council Members their appreciation plaques.

- 6.2 Proclamation: Fentanyl Awareness Day May 16th, 2024 - Free Fentanyl Awareness and Narcan training provided by VPD May 16th at 7pm at the Civic Center 38

[Proclamation Fentanyl Awareness.pdf](#)

7. Discussion and Consideration Items:

- 7.1 Discuss and consider the election of a Mayor Pro Tem.
I make a motion to appoint councilmember _____ as Mayor Pro Tem.

- 7.2 Discuss and consider approving a Second Amendment to Brahman Ranch Improvement District No. 1 Development Agreement, and authorizing Mayor to execute said Second Amendment in the name of and on behalf of City of Venus.(Jones/Groom) 39 - 43

[City of Venus - Brahman Ranch PID Agenda Item - Cover Sheet 5.8.2024.pdf](#) [Second Amendment to Development Agreement - Miskimon Management I LLC 5 13 24.pdf](#)

I make a motion to approve/deny and authorize the Mayor to execute the Second Amendment to Brahman Ranch Improvement District No. 1 Development Agreement.

- 7.3 Discuss and consider an Ordinance amending Chapter 20 "Sign Ordinance", Section 20-2 "Definitions" by repealing and replacing the definition of "billboard", by adding a definition for "electronic billboard message board", Section 20-9 "Prohibited signs" by adding a prohibition of all advertising billboards within the City of Venus and ETJ. (Ortiz)

44 - 81

[Agenda Item Cover sheet Chapter 20 Sign Ordinance Amendment.pdf](#) [Ordinance Chapter 20 Signs Amendment.pdf](#) [789-2023-10.pdf](#) [343-2008-amending ord. 238-2000 prohibition of billboards and electronic variable message sinage..pdf](#)

I make a motion to approve/deny an Ordinance amending Chapter 20 "sign Ordinance, "Section 20-2, Section 20-9, and Section 20-10(a).

8. Adjournment:

The City Council reserves the right to meet in Executive Session closed to the public at any time in the course of this meeting to discuss matters listed on the agenda, pursuant to authorization by the Texas Open Meetings Act TEXAS GOVERNMENT CODE, Chapter 551.071 (Private consultation with attorney for the city), 551.072 (deliberations about real property), 551.073 (deliberations about gifts and donations), 551.074 (personnel matters), 551.076 (deliberations about security devices), 551.087 (economic development), 418.183 (homeland security).

This is to certify that a copy of this Notice of Meeting was posted on the bulletin board at City Hall, 700 W. Hwy 67 Venus, Texas and at a place readily accessible to the general public at all times and to the City's website www.cityofvenus.org, Wednesday, May 8, 2024 on or before 5:30 pm..

Callie Green, TRMC

City Secretary

For more information or a copy of the Open Meetings Act, please contact the Attorney General of Texas at 1-800-252-8011. This building is wheelchair accessible. Any requests for Interpretive Services must be made 48 hours in advance of the scheduled meeting. To make arrangements please call 972-366-3348.

Removed:_____

Time:_____

Venus Police Department

April 2024 Council Report



Monthly Stats

	04-2024	% + or -	03-2024	02-2024	3 MONTH AVERAGE
CAD EVENTS	2060	45%	1420	1383	1621
REPORTS TAKEN	41	0%	41	44	42
ARRESTS	12	-20%	15	12	13
ACCIDENTS WORKED	10	25%	8	12	10
TRAFFIC ASSIGNMENTS	124	158%	48	79	84
TRAFFIC STOPS	393	75%	225	308	309
CITATIONS ISSUED	99	32%	75	74	83

ARRESTS

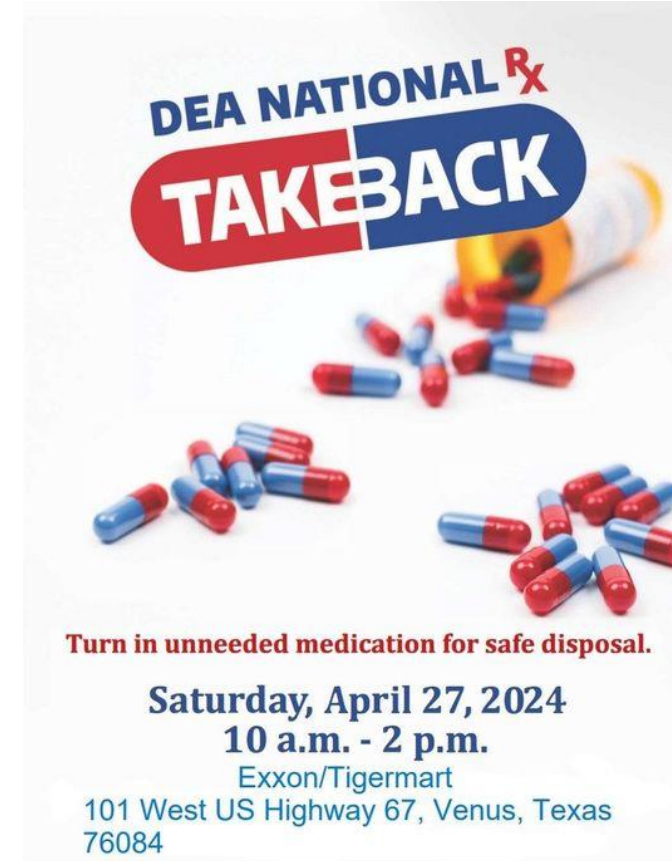
Date	Call Type	Notes
4/6/2024	Traffic Stop	DWI Arrest
4/6/2024	Traffic Stop	DWI w/open container
4/7/2024	Traffic Stop	DWI 2nd
4/7/2024	Traffic Stop	Arrest #1 Poss CS PG 1 - Arrest #2 Public Intox
4/7/2024	Traffic Stop	DWI w/open container
4/8/2024	Welfare Check	Warrant Arrest - Dallas Co for Criminal Trespass
4/11/2024	Traffic Stop	DWI
4/13/2024	Traffic Stop	DWI
4/15/2024	Traffic Stop	Warrant Arrest - Burleson PD Traffic
4/21/2024	Traffic Stop	DUI Minor
4/23/2024	Traffic Stop	Driving W/Lic Inv W/Prev Conv/Susp

Notable Responses

Date	Call Type	Status	Notes
4/2/2024	Criminal Mischief	Suspended	No workable leads at this time
4/3/2024	Cruelty to Non Livestock Animal	Unfounded	Detectives worked this and it was determined that the person acted in self defense so no charges are being sought
4/7/2024	Assist other Agency	Closed	Officers helped find a stolen phone. Victim ended up not wanting to press charges after they got their phone back.
4/7/2024	Disturbance	Pending Investigation	Have not been able to contact the suspect yet
4/10/2024	Forgery	Pending Investigation	
4/11/2024	Traffic Stop	Active Investigation	Arrest made for DWI - Poss CS PG2 still being investigated
4/14/2024	EMS Assist	Active Investigation	Assault FV case
4/18/2024	Hit and Run	Active Investigation	Working on suspect identification
4/19/2024	Welfare Check	Active Investigation	Possible endangering child case
4/22/2024	Hit and Run	Active Investigation	Working on suspect identification
4/26/2024	Fraud	Active Investigation	Unemployment fraud / ID theft
4/26/2024	Injury to a Child	Active Investigation	
4/29/2024	Theft	Active Investigation	Construction theft / No suspect yet
4/30/2024	Welfare Check	Active Investigation	Potential delayed child abuse
	Traffic Stop	Arrests/Active	Several drunk driving arrests and cases to file
	MHMR		Several mental health issues to have dealt with

Community Involvement

The Venus Police Department participated in the DEA National drug take back event.



Sabre Industries



Sabre is wanting to partner with the Venus Police Department and city. They are wanting to make improvements to the community as well as make donations toward equipment and even assist with some capital improvements.

Violations by Filed Date...

POLICE DEPARTMENT	98	
VENUS ISD POLICE DEPT	1	
TRANSFERRED OUT	0	
MUNICIPAL COURT	0	
Total Filed Violations		99

Completed Cases...

Paid Fine...

POLICE DEPARTMENT	32	
VENUS ISD POLICE DEPT	0	
TRANSFERRED OUT	2	
MUNICIPAL COURT	0	
Total Paid Fines		34

Before Judge...

POLICE DEPARTMENT	5	
VENUS ISD POLICE DEPT	0	
TRANSFERRED OUT	0	
MUNICIPAL COURT	1	
Total Before Judge		6
Total Completed		40

Other Completed...

DISMISSED DSC MANDATORY

POLICE DEPARTMENT	4	
VENUS ISD POLICE DEPT	0	
TRANSFERRED OUT	0	
MUNICIPAL COURT	0	
Total		4

DISMISSED AFTER DEFERRED DISP.

POLICE DEPARTMENT	17	
VENUS ISD POLICE DEPT	0	
TRANSFERRED OUT	1	
MUNICIPAL COURT	0	
Total		18

DISMISSED BY COMPLAINANT

POLICE DEPARTMENT	1	
VENUS ISD POLICE DEPT	0	
TRANSFERRED OUT	0	
MUNICIPAL COURT	0	
Total		1

COMPLIANCE DISMISSAL

VENUS MUNICIPAL COURT

Report For April 1, 2024 Thru April 30, 2024

Page: 2
FILEDST

POLICE DEPARTMENT	3	
VENUS ISD POLICE DEPT	0	
TRANSFERRED OUT	0	
MUNICIPAL COURT	0	
Total		3

DISMISSED BY PROSECUTOR

POLICE DEPARTMENT	3	
VENUS ISD POLICE DEPT	0	
TRANSFERRED OUT	0	
MUNICIPAL COURT	0	
Total		3

MOTION TO DISMISS

POLICE DEPARTMENT	1	
VENUS ISD POLICE DEPT	0	
TRANSFERRED OUT	0	
MUNICIPAL COURT	1	
Total		2

Total Other Completed	31
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Grand Total Completed	71
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Net Difference Filed/Complete	28
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Warrants...

Issued...

POLICE DEPARTMENT	0	
VENUS ISD POLICE DEPT	0	
TRANSFERRED OUT	0	
MUNICIPAL COURT	0	
Total Violations		0
Total Warrants Issued		0

Cleared...

POLICE DEPARTMENT	7	
VENUS ISD POLICE DEPT	0	
TRANSFERRED OUT	2	
MUNICIPAL COURT	4	
Total Violations		13
Total Warrants Cleared		13

Change in Total Warrants	13-
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FINE FINE	\$6,339.10
TFC TFC	\$72.00
STF19 STATE TRAFFIC FEE	\$1,130.00
AR ARREST FEE	\$240.00
LMCBSF Local Building Security Fund	\$222.40
LTPDF Local Truancy Prevention Fund	\$230.00

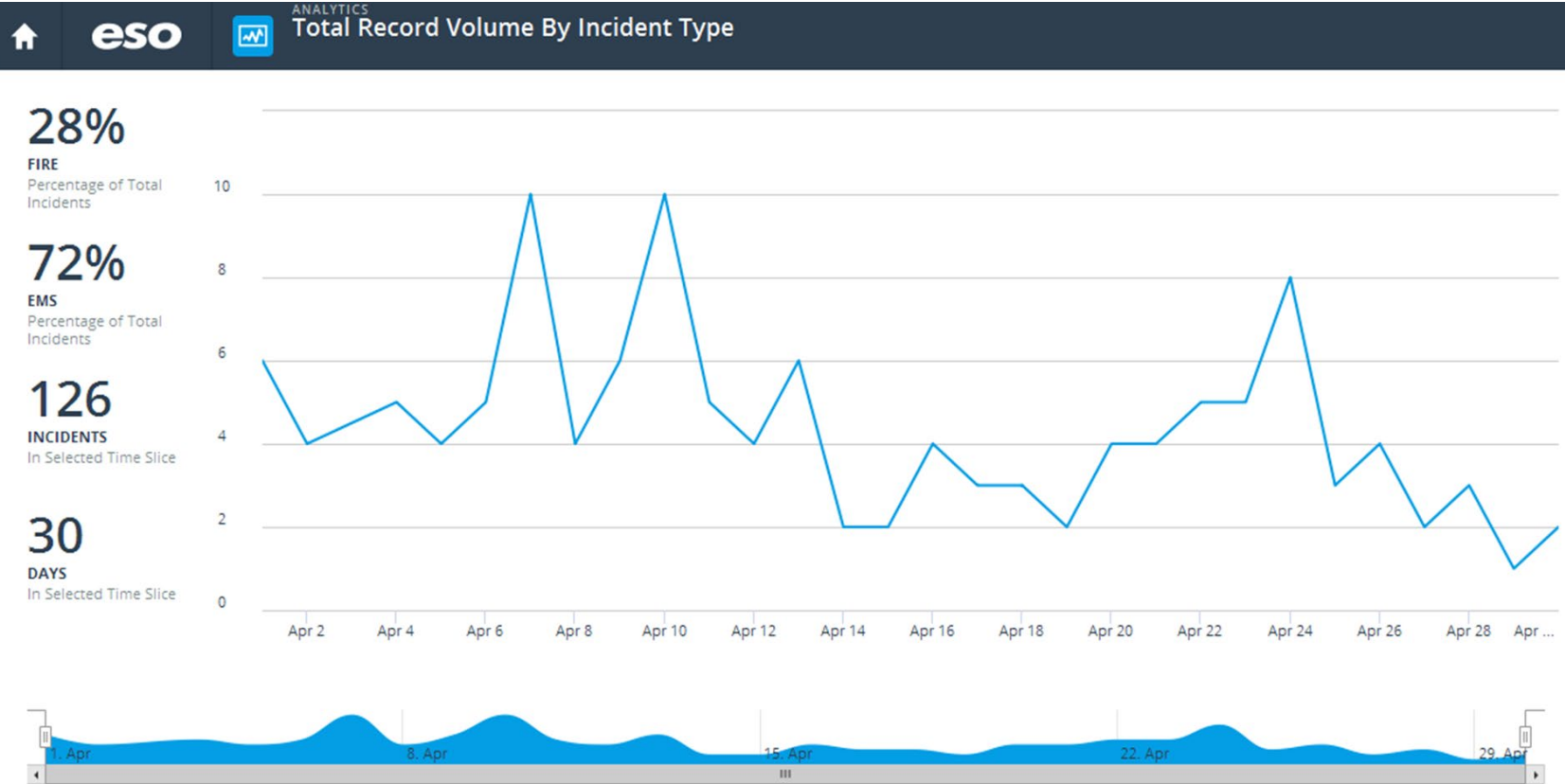
VENUS MUNICIPAL COURT		Page: 3
Report For April	1, 2024 Thru April	30, 2024 FILEDST
LMCTF Local Court Technology Fund	\$184.00	
LMJF Local Municipal Jury Fund	\$4.60	
TPRF Time Payment Reimbursement Fee	\$45.00	
CCC20 CCC 2020	\$2,707.00	
TITLE7 TITLE 7 TRANS CODE FINES	\$351.70	
CS2 CHILD SAFETY FEE	\$50.00	
DSC DSC ADMIN FEE	\$60.00	
AF ADMINISTRATIVE FEE	\$10.00	
CCC04 CONSOLIDATED COURT COST	\$200.00	
SJRF STATE JURY FEE	\$20.00	
JFCT2 JUDICIAL FEE - COUNTY	\$27.00	
JFCI JUDICIAL FEE - CITY	\$3.00	
MCBS MUNICIPAL COURT BUILDING SEC.	\$15.00	
CTF COURT TECHNOLOGY FUND	\$20.00	
IDF Indigent Defense Fee	\$10.00	
WRNTFE WARRANT FEE	\$250.00	
COLAGY COLLECTION AGENCY FEE	\$558.27	
DEF DEFERRAL FEE	\$150.00	
AF2 \$20 Administrative Fee	\$40.00	
TLFTA2 OMNI BASE STATE	\$30.00	
TLFTA3 LOCAL OMNI BASE FEE	\$20.00	
TPF-C TRUANCY PREVENTION FUND-CITY	\$3.00	
TPF-S TRUANCY PREVENTION FUND-STATE	\$3.00	
STF STATE TRAFFIC FEE	\$30.00	
CJFS Civil Justice Fee State	\$0.09	
CJFC Civil Justice Fee Court	\$0.01	
ADMIN SPECIAL EXPENSE FEE	\$94.90	
Total Fees/Fines Paid	\$13,120.07	



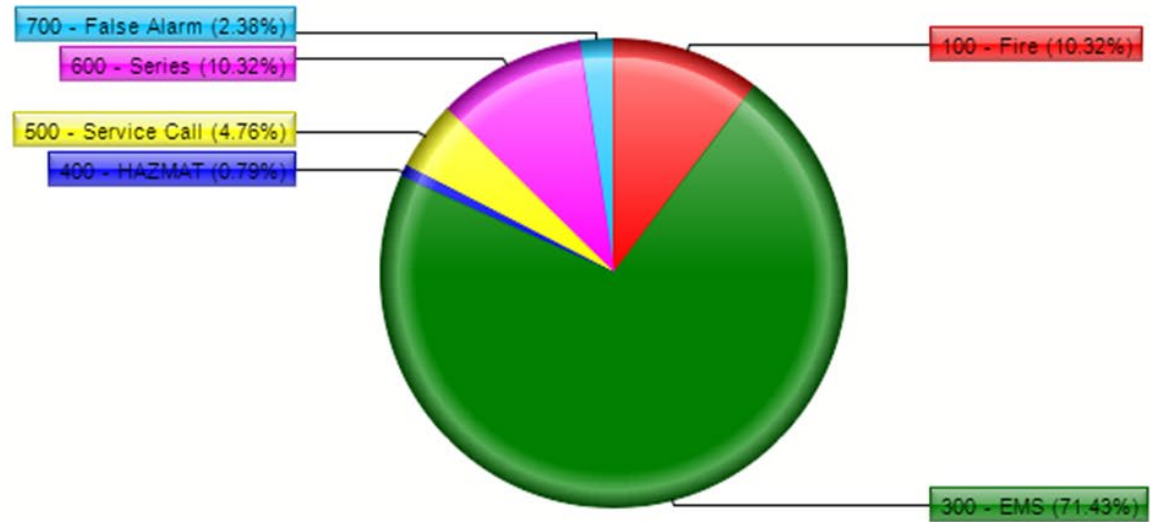
Venus Fire Department

Monthly Activity Report

DAILY CALL VOLUME



MONTHLY INCIDENT TYPES



Fire Incident Type Breakdown

Fire Incident Type Breakdown	
Incident Type Group	
100 - Fire	14
300 - EMS	90
400 - HAZMAT	1
500 - Service Call	6
600 - Good Intent Call	13
700 - False Alarm	3
TOTAL	127

EVENTS

The April 8th total eclipse was uneventful for Emergency Management and Fire.

All paperwork submitted to Texas DSHS for the fire department to move to ALS medical service.

Fire hydrant testing started in all areas of the city.

Personnel completed over 180 hours of training last month.



Public Works

Staff Report May 8, 2024

Parks Department:

- Public Works purchased new flags for City Hall and downtown park. The Parks Dept. installed the new flags and repaired the city flag that was damaged by the high windstorms last month.

- In addition to regular mowing and general maintenance, Parks Dept replaced worn out small equipment, and the tractor is finally back in service.

Repairs to the overhead doors at Parks Shop have been completed. Crews also removed graffiti from a basketball goal post at Fielder Park, and removed trees damaged by storms.

- Working on irrigation system and lighting at Fielder Park.

Removed a tree damaged at City Hall, sprayed for weeds, and replaced soap dispenser in restrooms that were not working properly.

Public Works Department:

- 24 workorders were completed.
- Repaired a 6-inch water main leak located behind 200 N Hickory St. and jetted sewer main behind 203 S Walnut.
- Mowed 207 N Hickory St. for Code Violation.
- Replaced culvert pipe that collapsed in front of Public Works Shop entrance, Repaired pole barn rear wall caused by storm damage and made repairs to equipment located at shop.
- Completed required annual inspection on prison elevated water tower and downtown ground storage tank.
- Completed Consumer Confidence Report required to be done annually.
- Removed storm damaged tree limbs on Pine St and S Hickory easements.
- Patched multiple potholes on CR 501, CR 213, CR 214, Added road base material to CR 620, cleaned culverts on Locust, 7th and 6th Streets. Lone Star and Hancock St Intersection is scheduled for repair on 5/9/24 or 5/13/24 depending on weather conditions.
- Created a map listing drainage and culverts that need to be corrected and will be getting bids for those areas to be repaired.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF VENUS, TEXAS, TO MAKE APPLICATION WITH THE TEXAS DEPARTMENT OF TRANSPORTATION FOR STATE PARTICIPATION IN THE RELOCATION OF CERTAIN PUBLICLY OWNED UTILITY FACILITIES; AUTHORIZING THE MAYOR OR CITY ADMINISTRATOR TO EXECUTE ANY NECESSARY DOCUMENTS TO APPLY FOR THE GRANT; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Venus has need to move utilities of water and sewer infrastructure due to FM 157 realignment to a location better able to serve the health, safety and welfare of the community; and

WHEREAS, the City Council and Mayor of the City of Venus finds it in the best interest of the citizens of Venus, that the City of Venus make application with TXDOT for a grant of relocation reimbursement to the City.

NOW THEREFORE, BE IT HEREBY RESOLVED BY THE CITY COUNCIL OF THE CITY OF VENUS THAT:

SECTION 1. The Recitals to this Resolution are found to be true and correct and incorporated herein as if recited verbatim and are adopted as findings of fact for this Resolution.

SECTION 2. The Mayor or City Administrator are authorized to execute any necessary documents in connection with this grant, a copy of said application which is attached as Exhibit "A" and incorporated herein by reference.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF VENUS ON THIS 13th DAY OF MAY 2024.

ATTEST:

APPROVED:

Callie Green, City Secretary

Alejandro Galaviz, Mayor



City Council Agenda Item Report

May 13th, 2024

James Groom

Chief of Police

972-366-3547

jgroom@cityofvenus.org

DISCUSS AND CONSIDER: Approval of a resolution related to an SP2125 application to TxDOT.

1. **BACKGROUND/HISTORY:** TxDOT has a major realignment and widening project on FM 157 which includes areas north of our City and continuing south through the center of the City. As part of this project, the City is required to move utility lines located in TxDOT's easement.
2. **FINDINGS / CURRENT ACTIVITY:** Normally the utility provider would be required to move their infrastructure at their own expense when required by TxDOT.

TxDOT has invited us to make an application to the SP2125 program which normally allows for reimbursement of expenses, and they have also allowed us to apply to joint design, bid, and build which means they would shoulder the burden of the costs upfront if this is approved.

3. **RECOMMENDATIONS:** Staff recommendation is to approve the resolution.
4. **ATTACHMENTS:** Resolution

RESOLUTION NO. 12-2024-05

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF VENUS, TEXAS, CANVASSING THE RETURNS AND DECLARING THE RESULTS OF THE GENERAL ELECTION FOR THE OFFICES OF THREE COUNCILMEMBERS FOR PLACES 3, 4 AND 5, AND PROVIDING AN EFFECTIVE DATE.

GENERAL ELECTION

Venus, Texas

May 4, 2024

CANVASS OF RETURNS AND DECLARATION OF RESULTS OF ELECTIONS

BE IT REMEMBERED THAT on this the 13th day of May 2024, at a meeting of the City Council of the City of Venus, Texas, a quorum being present, the meeting was called to order, and the following business was transacted.

Upon motion it was unanimously ordered that the City Council consider the official returns of a General Election held in the City on May 4, 2024, for the election of three Councilmembers for places 3, 4 and 5 for two-year terms.

At that time, all votes were canvassed with the governing body.

WHEREUPON said official returns were opened, examined, canvassed and the results declared as follows:

CANVASS OF RETURNS AND DECLARATION OF RESULTS

WHEREAS, heretofore, the City Council of the City of Venus, Texas, called a General Election to be held in the City on May 4, 2024, to elect three Councilmembers for places 3, 4 and 5 for two-year terms; and

WHEREAS, immediately after said election the Presiding Judge and other officials holding said election made their returns of the results thereof to the City Council as follows, and said returns being made according to law, and duly authenticated, and it being shown that written notice of said election was posted for the time and in the manner provided by law, and all other proceedings pertaining to said election having been shown to have been done and performed at and within the manner provided by law, and all papers pertaining thereto having been returned and filed with the City Council and no protest or objection being made to or regarding any matter pertaining to said election.

NOW, THEREFORE, be it resolved by the City Council of the City of Venus, Texas, after examining said returns and opening and canvassing the votes of said election, that the results of said election are as follows:

That the following number of votes was cast for the following named candidate for the office of Councilmember Place 3, to wit:

	<u>EARLY VOTING</u>	<u>ELECTION DAY</u>	<u>BY MAIL</u>	<u>PROVISIONAL VOTING</u>	<u>TOTAL</u>
Sheryl Dawn Kiser	<u>84</u>	<u>53</u>	<u>1</u>	<u>0</u>	<u>138</u>
Alicia Rosales	<u>56</u>	<u>73</u>	<u>1</u>	<u>0</u>	<u>130</u>

That the following number of votes was cast for the following named candidate for the office of Councilmember Place 4, to wit:

EARLY	ELECTION	BY	PROVISIONAL
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	<u>VOTING</u>	<u>DAY</u>	<u>MAIL</u>	<u>VOTING</u>	<u>TOTAL</u>
Geronimo Hernandez	<u>63</u>	<u>70</u>	<u>0</u>	<u>0</u>	<u>133</u>
Michelle Hamm	<u>81</u>	<u>54</u>	<u>2</u>	<u>0</u>	<u>137</u>

That the following number of votes was cast for the following named candidate for the office of Councilmember Place 5, to wit:

	<u>EARLY</u> <u>VOTING</u>	<u>ELECTION</u> <u>DAY</u>	<u>BY</u> <u>MAIL</u>	<u>PROVISIONAL</u> <u>VOTING</u>	<u>TOTAL</u>
Tanita L. Marvels	<u>67</u>	<u>59</u>	<u>1</u>	<u>0</u>	<u>127</u>
Drew Wilson	<u>72</u>	<u>63</u>	<u>1</u>	<u>0</u>	<u>136</u>

It appearing that Sheryl Dawn Kiser, Place 3, Michelle Hamm, Place 4, Drew Wilson, Place 5, having received the most votes for Place 3, Place 4 and Place 5, respectively, for the council seats available, are hereby declared to be elected to the offices of Councilmember, to serve a two-year term after qualifying.

IT IS FURTHER ORDERED that this canvass and declaration of results of said election be entered in the Minutes of the City Council and the Recitals of this Resolution are fully incorporated herein as if fully recited.

This Resolution, declaring the results of the General election, shall become effective immediately after its passage.

DULY PASSED by the City Council of the City of Venus, Texas, on this the 13th day of May 2024.

APPROVED:

Alejandro Galaviz, Mayor

ATTEST:

Callie Green, City Secretary

RESOLUTION NO. 13-2024-05

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF VENUS, TEXAS, CANVASSING THE RETURNS AND DECLARING THE RESULTS OF THE SPECIAL ELECTION FOR PURPOSE OF SUBMITTING TO THE QUALIFIED VOTERS, FOR ADOPTION OR REJECTION, A PROPOSITION TO DISCONTINUE CERTAIN LAND WHICH IS PART OF THE MUNICIPALITY, AND WHICH WAS MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS IN THE PETITION OF THE PROPERTY OWNERS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of Venus, Texas, called a special election to be held in said City on the 4th day of May 2024, for the purpose of submitting to the qualified voters, for adoption or rejection, a proposition to discontinue certain land which is part of the municipality, and which was more particularly described by metes and bounds in the petition of the property owners on file with the City Secretary; and

WHEREAS, said election was duly held at the time and place specified, after due notice as required by law had been given posting and publication; and

WHEREAS, state law requires that the governing body of the City canvass all elections; and

WHEREAS, on May 13, 2024, the Mayor and City Council duly canvassed the vote of said election who cast votes as follows:

PROPOSITION

TO DISCONTINUE CERTAIN LAND WHICH IS PART OF THE MUNICIPALITY, AND WHICH IS COMMONLY KNOWN AS BLUESTEM HILLS AND IS MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS WITH THE PETITION ON FILE IN THE OFFICE OF THE CITY SECRETARY OF THE CITY OF VENUS AS DECLARED BY RESOLUTION 07-2024-03, PASSED MARCH 11, 2024.

FOR 165
AGAINST 93

as is reflected by the election returns heretofore filed by the election judge with the City Secretary.

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

1. That said election was duly called; that notice of said election was given in accordance with law and the resolution calling the election; that the election was held in accordance with law; that due return of said election has been made by the proper officers; and that the qualified voters of the City of Venus, Texas voting in said election have duly approved.
2. The City Council hereby finds and declares that the election on the proposition to discontinue certain land which is part of the Municipality, and which is commonly known as Bluestem Hills and is more particularly described by metes and bounds with the petition on file in the office of the City Secretary of the City of Venus as declared by Resolution 07-2024-03, passed March 11, 2024 was held on May 4, 2024.
3. That the City Council further finds and declares that at said election, the qualified voters of the City were permitted to vote for or against the proposition.
4. That the City Council further finds and declares that of the 258 total votes cast at said election by the qualified electors of the City of Venus, there were 165 votes cast for the Proposition and 93 votes cast against the Proposition.
5. That the City Council further finds and declares the result of the election to be that the Proposition so submitted has received a favorable majority vote in all respects and was approved by a margin of 72 votes.
6. That the proposition to discontinue certain land which is part of the Municipality, and which is commonly known as Bluestem Hills and is more particularly described by metes and bounds with the petition on file in the office of the City Secretary of the City of Venus as declared by Resolution 07-2024-03, passed March 11, 2024 has been approved and the property is hereby disannexed and no longer a part of the City of Venus, Texas.

7. The City Secretary is hereby directed to send a certified copy of this resolution, along with a map of the municipality clearly showing its boundaries, to the Texas Comptroller of Public Accounts by certified or registered mail in accordance with the applicable provisions of the Texas Tax Code.

8. This resolution shall be in full force and effect from and after its passage, and it is so resolved.

DULY PASSED by the City Council of the City of Venus, Texas, on this the 13th day of May 2024.

APPROVED:

Alejandro Galaviz, Mayor

ATTEST:

Callie Green, City Secretary



In the name and by the authority of

The State of Texas

THIS IS TO CERTIFY, that at a general election held on

4th, May, 2024

Sheryl Dawn Kiser

was duly elected

City Council Place 3

In testimony whereof, I have hereunto
signed my name and caused the seal of
Texas to be affixed at the City of Venus,
this the 13th day of May, 2024.

**Signature of Presiding Officer of
Canvassing Authority**



In the name and by the authority of

The State of Texas

THIS IS TO CERTIFY, that at a general election held on

4th, May, 2024

Michelle Hamm

was duly elected

City Council Place 4

In testimony whereof, I have hereunto
signed my name and caused the seal of
Texas to be affixed at the City of Venus,
this the 13th day of May, 2024.

**Signature of Presiding Officer of
Canvassing Authority**



In the name and by the authority of

The State of Texas

THIS IS TO CERTIFY, that at a general election held on

4th, May, 2024

Drew Wilson

was duly elected

City Council Place 5

In testimony whereof, I have hereunto
signed my name and caused the seal of
Texas to be affixed at the City of Venus,
this the 13th day of May, 2024.

**Signature of Presiding Officer of
Canvassing Authority**



STATEMENT OF ELECTED/APPOINTED OFFICER

I, **Sheryl Dawn Kiser**, do solemnly swear (or affirm), that I have not directly or indirectly paid, offered, promised to pay, contributed, or promised to contribute any money or thing of value, or promised any public office or employment for the giving or withholding of a vote at the election at which I was elected or as a reward to secure my appointment or confirmation, whichever the case may be, so help me God.

UNDER PENALTIES OF PERJURY, I DECLARE THAT I HAVE READ THE FOREGOING STATEMENT AND THAT THE FACTS STATED THEREIN ARE TRUE.

Date

Officer's signature

City Council, Place 3

Position to which elected/appointed

City of Venus, Johnson/Ellis County

City and/or County



STATEMENT OF ELECTED/APPOINTED OFFICER

I, **Michelle Hamm**, do solemnly swear (or affirm), that I have not directly or indirectly paid, offered, promised to pay, contributed, or promised to contribute any money or thing of value, or promised any public office or employment for the giving or withholding of a vote at the election at which I was elected or as a reward to secure my appointment or confirmation, whichever the case may be, so help me God.

UNDER PENALTIES OF PERJURY, I DECLARE THAT I HAVE READ THE FOREGOING STATEMENT AND THAT THE FACTS STATED THEREIN ARE TRUE.

Date

Officer's signature

City Council, Place 4

Position to which elected/appointed

City of Venus, Johnson/Ellis County

City and/or County



STATEMENT OF ELECTED/APPOINTED OFFICER

I, **Drew Wilson**, do solemnly swear (or affirm), that I have not directly or indirectly paid, offered, promised to pay, contributed, or promised to contribute any money or thing of value, or promised any public office or employment for the giving or withholding of a vote at the election at which I was elected or as a reward to secure my appointment or confirmation, whichever the case may be, so help me God.

UNDER PENALTIES OF PERJURY, I DECLARE THAT I HAVE READ THE FOREGOING STATEMENT AND THAT THE FACTS STATED THEREIN ARE TRUE.

Date

Officer's signature

City Council, Place 5

Position to which elected/appointed

City of Venus, Johnson/Ellis County

City and/or County



OATH OF OFFICE

*“I, **Sheryl Dawn Kiser** do solemnly wear (or affirm) that I will faithfully execute the duties of the office of **City Council, Place 3** of the City of Venus, State of Texas, and will to the best of my ability preserve, protect and defend the Constitution and laws of the United States and of this State, so help me God.”*

Affiant

SWORN TO and subscribed before me by affiant on this the 13th day of May, 2024.

Signature of person administering Oath

Printed name and Title



OATH OF OFFICE

*“I, **Michelle Hamm** do solemnly wear (or affirm) that I will faithfully execute the duties of the office of **City Council, Place 4** of the City of Venus, State of Texas, and will to the best of my ability preserve, protect and defend the Constitution and laws of the United States and of this State, so help me God.”*

Affiant

SWORN TO and subscribed before me by affiant on this the 13th day of May, 2024.

Signature of person administering Oath

Printed name and Title



OATH OF OFFICE

*“I, **Drew Wilson** do solemnly wear (or affirm) that I will faithfully execute the duties of the office of **City Council, Place 5** of the City of Venus, State of Texas, and will to the best of my ability preserve, protect and defend the Constitution and laws of the United States and of this State, so help me God.”*

Affiant

SWORN TO and subscribed before me by affiant on this the 13th day of May, 2024.

Signature of person administering Oath

Printed name and Title

CITY of VENUS



OFFICE of MAYOR

Proclamation

Whereas, May 7th, 2024 is recognized as National Fentanyl Awareness Day; and

Whereas, Nationally over 70,000 deaths occur each year due to fentanyl overdoses; and

Whereas, in Venus and the surrounding area many adults and children have sadly been injured and some have died due to fentanyl overdose; and

Whereas, Raising awareness of the dangers of fentanyl can and does save lives; and

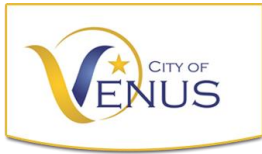
Whereas, Venus Beyond Boundaries has brought this urgent issue to the attention of city officials;

NOW, THEREFORE, I, Alejandro Galaviz, Mayor of the City of Venus, *DO HEREBY PROCLAIM* May 16th, 2024 as **Fentanyl Awareness Day** in the City of Venus and call upon all residents to educate themselves and their loved ones on the danger posed by fentanyl and other drugs, and to seek education on the issue.

***GIVEN under my hand and the Seal of the City of Venus,
this thirteenth day of May two thousand and twenty-four***



Alejandro Galaviz
City of Venus Mayor



STAFF REPORT

MEETING DATE:	May 4, 2024
MEETING TYPE:	City Council
SUBMITTED BY:	Joshua Jones, City Manager
AGENDA CAPTION:	Discuss and consider approving a Second Amendment to Brahman Ranch Improvement District No. 1 Development Agreement, and authorizing Mayor to execute said Second Amendment in the name of and on behalf of City of Venus.
MOTION LANGUAGE:	"I make a motion to approve and authorize the Mayor to execute the Second Amendment to Brahman Ranch Improvement District No. 1 Development Agreement".

Background Information

The City of Venus, Texas, (the "City"), and MISKIMON MANAGEMENT I, L.L.C., a Texas limited liability company ("Developer") entered into a Development Agreement as of November 2019, and a First Amendment to the Development Agreement in February 2021 relating to approximately 550 acres of land located in Ellis County, Texas to be known as Brahman Ranch.

The Development Agreement and First Amendment allowed the Developer to request the City create a public improvement district, levy a tax-equivalent assessment of \$0.38 per \$100 of assessed value, and to issue special assessment revenue bonds to pay for or reimburse the Developer eligible public improvements.

Since the Development Agreement was executed, overlapping ad valorem tax rates have declined and several Special Districts and other City PID projects have been initiated with tax-equivalent assessment rates significantly higher. For the Developer to be competitive with these projects and to offset City changes and delays, the maximum tax-equivalent assessment rate needs to be changed to \$0.74 per \$100 of assessed taxable value.

The change will have no impact on City financial budget or operations.

The two proposed changes to the Development Agreement are:

- 1) Addition of the following sentence - The total estimated amount of PID bond that will be issued in multiple series is \$100 million.
- 2) Change the tax-equivalent assessment rate from a maximum of \$0.38 to an estimated \$0.74 per \$100 of assessed value.

Proposed Change to Development Agreement

DEVELOPMENT AGREEMENT dated November 22, 2019

ARTICLE VI

PUBLIC IMPROVEMENT DISTRICT

“Section 6.2 P I D Powers and Authority. The PID may finance improvements as authorized improvements by the Constitution and the laws of the State of Texas, including Chapter 372, Texas Local Government Code (the “PID Improvements”). The PID Improvements, their estimated cost and anticipated payment methodology are set forth in the Capital Cost Estimate attached as **Exhibit E**. The Parties specifically agree that acquisition costs, including necessary right-of-way costs for Offsite Roadway Improvements, will not be included as reimbursable expenses from PID revenues and will not be included in the Capital Cost Estimate. The total estimated amount of PID bond that will be issued in multiple series is \$100 million. PID Improvements shall be designed and constructed using either funds available from a PID Project Fund or funds advanced by Developer (“Developer Advances”) and the City Sewer Contribution. The City agrees to reimburse the Developer pursuant to the terms of this Agreement for Developer Advances expended for PID Improvements to be acquired by the City. The City shall be authorized to levy the PID Assessment and issue PID Bonds to fund the construction of PID Improvements or to reimburse Developer Advances, together with interest (i) from the PID Assessment, levied at a tax-equivalent rate of an estimated ~~\$0.38~~ \$0.74 per \$100 of assessed value approved by the City and levied by the City Council after the creation of the PID against benefitted property within the PID, which PID Assessment shall be collected annually by the City for a period not to exceed 30 years after such PID Assessment is levied or until all PID Bonds are paid and discharged, whichever is later, and (ii) from the proceeds of PID Bonds approved by the City Council that are secured by or which may be paid from the PID Assessment and that are otherwise issued in compliance with this Agreement and/or applicable law, subject to the requirements of Section 1.2 hereof.”

Budget Implications

No budget impact to the City of Venus

Operational Impact

No impact to the City of Venus operations

Legal Review

N/A

Staff Recommendation

Approval of Second Amendment to Development Agreement

**SECOND AMENDMENT TO BRAHMAN RANCH
PUBLIC IMPROVEMENT DISTRICT NO. 1
DEVELOPMENT AGREEMENT**

This Second Amendment to Brahman Ranch Public Improvement District No. 1 Development Agreement (this “Second Amendment”) is entered into between the CITY OF VENUS, TEXAS, (the “City”), and MISKIMON MANAGEMENT I, L.L.C., a Texas limited liability company (“Developer”):

RECITALS

WHEREAS, this Second Amendment amends that certain “Development Agreement” entered into between the City and the Developer effective as of November 22, 2019, relating to the development of approximately 665.363 acres of land situated in Ellis County, Texas to be known as Brahman Ranch, containing single family homes on individual lots with open space, park and trail amenities (the “Development”); and

WHEREAS, the Development Agreement is only modified as expressly set forth in this Second Amendment and First Amendment, and the Development Agreement otherwise remains in full force and effect; and

WHEREAS, the City desires to finance certain sanitary sewer improvements within the Development utilizing a vehicle different from what was contemplated in the original Development Agreement, and the Developer has agreed to such different financing vehicle; and

WHEREAS, the Developer has requested a change to the maximum tax-equivalent assessment to be changed to \$0.74 per \$100 of assessed taxable value; and

NOW, THEREFORE, in consideration of the mutual covenants contained herein, the City and the Developer agree as follows:

1. **The Development Agreement Remains in Full Force and Effect.** The City and Developer acknowledge and agree that, except to the extent amended herein, all provisions and terms contained in the Development Agreement remain in full force and effect.
2. **Specific provisions contained in the Development Agreement shall be amended as follows:**

Amendment to Section 6.2: PID Powers & Authority

“Section 6.2 P I D Powers and Authority. The PID may finance improvements as authorized improvements by the Constitution and the laws of the State of Texas, including Chapter 372, Texas Local Government Code (the “PID Improvements”). The PID Improvements, their estimated cost and anticipated payment methodology are set forth in the Capital Cost Estimate attached as **Exhibit E**. The Parties specifically agree that acquisition costs, including necessary right-of-way costs for Offsite Roadway Improvements, will not be included as reimbursable expenses from PID revenues and will not be included in the Capital Cost Estimate. The total estimated amount of PID bond that will be issued in multiple

series is \$100 million. PID Improvements shall be designed and constructed using either funds available from a PID Project Fund or funds advanced by Developer (“Developer Advances”) and the City Sewer Contribution. The City agrees to reimburse the Developer pursuant to the terms of this Agreement for Developer Advances expended for PID Improvements to be acquired by the City. The City shall be authorized to levy the PID Assessment and issue PID Bonds to fund the construction of PID Improvements or to reimburse Developer Advances, together with interest (i) from the PID Assessment, levied at a tax-equivalent rate of an estimated \$0.74 per \$100 of assessed value approved by the City and levied by the City Council after the creation of the PID against benefitted property within the PID, which PID Assessment shall be collected annually by the City for a period not to exceed 30 years after such PID Assessment is levied or until all PID Bonds are paid and discharged, whichever is later, and (ii) from the proceeds of PID Bonds approved by the City Council that are secured by or which may be paid from the PID Assessment and that are otherwise issued in compliance with this Agreement and/or applicable law, subject to the requirements of Section 1.2 hereof.”

3. The City represents and warrants that this Second Amendment has been duly adopted by official action of the City Council in accordance with all applicable public notice requirements (including, but not limited to, notices required by the Texas Open Meetings Act), and that the individual executing this Second Amendment on behalf of the City has been duly authorized to do so. The Developer represents and warrants that this Second Amendment has been approved by the appropriate action of the Developer, and that the individuals executing this Second Amendment on behalf of the Developer have been duly authorized to do so.

4. This Second Amendment may be executed in any number of counterparts, each of which shall be deemed an original and constitute one and the same instrument.

EXECUTED BY THE PARTIES TO BE EFFECTIVE ON MAY 13, 2024:

CITY OF VENUS

By: _____
Name: Alejandro Galaviz
Title: Mayor
Date: _____

APPROVED AS TO FORM

Name: Michael Halla
Title: City Attorney

STATE OF TEXAS §
 §
COUNTY OF JOHNSON §

This instrument was acknowledged before me on the 13th day of May 2024, by Alejandro Galaviz, Mayor of the City of Venus, Texas on behalf of said City.

(SEAL)

Notary Public, State of Texas

Name printed or typed

Commission Expires:_____

DEVELOPER

MISKIMON MANAGEMENT I, L.L.C.,
a Texas limited liability company

By: _____
Rick Miskimon, Managing Member

STATE OF OKLAHOMA §
 §
COUNTY OF ATOKA §

Before me on this day personally appeared Rick Miskimon, Managing Member of Miskimon Management I, L.L.C., a Texas limited liability company, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed, and in the capacity therein stated.

Given under my hand and seal of office this ____ of _____, 2021.

(SEAL)

Notary Public, State of Oklahoma



City Council Agenda Item Report

May 13, 2024

Oscar Ortiz, City Planner

972-366-3348 ext. 206

oortiz@cityofvenus.org

CONSIDER AND ACT UPON AMENDING CHAPTER 20 "SIGN ORDINANCE," SECTION 20-2 "DEFINITIONS" BY REPEALING AND REPLACING THE DEFINITION OF "BILLBOARD", BY ADDING A DEFINITION FOR "ELECTRONIC BILLBOARD MESSAGE BOARD", SECTION 20-9 "PROHIBITED SIGNS," BY ADDING A PROHIBITION OF ALL ADVERTISING BILLBOARDS WITHIN THE CITY OF VENUS AND EXTRATERRITORIAL JURISDICTION OF THE CITY OF VENUS AND AMENDING SECTION 20-10 (a) TO INCLUDE REQUIREMENTS FOR BILLBOARDS IN PLACE ON OR PRIOR TO JUNE 9, 2008; PROVIDING A DEFINITION OF ADVERTISING BILLBOARD; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALING CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

- 1. BACKGROUND/HISTORY:** City Council approved Ordinance 789-2023-10 on October 9, 2023; which contained a reference to Ordinance No. 343-2008 approved on June 9, 2008 that prohibited billboards. This amendment clarifies the prohibition of new billboards within city limits and the Venus ETJ that were not constructed prior to June 9, 2008.
- 2. FINDINGS / CURRENT ACTIVITY:** It necessary to clarify that billboards are prohibited within city limits and the Venus ETJ and that any billboards installed prior to June 9, 2008 need to follow specific requirements established in Section 20-10.
- 3. RECOMMENDATIONS:** I recommend City Council amends Chapter 20 "Sign Ordinance," Section 20-2, Section 20-9, and Section 20-10 (a).
- 4. ATTACHMENTS:** Ordinance No. 789-2023-10, Ordinance No. 343-2008 and proposed Ordinance Amendment with an Ordinance Number to be defined.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF VENUS, JOHNSON AND ELLIS COUNTIES, TEXAS AMENDING CHAPTER 20 “SIGN ORDINANCE” OF THE CITY OF VENUS, SECTION 20-2, “DEFINITIONS” BY REPEALING AND REPLACING THE DEFINITION OF “BILLBOARD”, BY ADDING A DEFINITION FOR “ELECTRONIC BILLBOARD MESSAGE BOARD”, SECTION 20-9 “PROHIBITED SIGNS,” BY ADDING A PROHIBITION OF ALL ADVERTISING BILLBOARDS WITHIN THE CITY OF VENUS AND EXTRATERRITORIAL JURISDICTION OF THE CITY OF VENUS AND AMENDING SECTION 20-10 (a) TO INCLUDE REQUIREMENTS FOR BILLBOARDS IN PLACE ON OR PRIOR TO JUNE 9, 2008; PROVIDING A DEFINITION OF ADVERTISING BILLBOARD; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALING CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the area adjacent to the municipality is defined as its Extra Territorial Jurisdiction (“ETJ”) pursuant to Texas Local Government Code 42 .021; and

WHEREAS, the City Council is authorized to regulate signage within its city limits and ETJ as defined in Texas Local Government Code, Chapter 216 “Regulation of Signs by Municipalities;” and

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

WHEREAS, the City Council has determined that 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 of Venus and promoting safety and continued well-being.

WHEREAS, the City Council agrees with courts that have recognized that billboard signs and electronic billboard message 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 distracts, motorists, bicyclists or pedestrians, conserve, protect, and enhance the aesthetic quality of the city, protect property values by precluding sign that create a nuisance to the occupancy or use of other properties.

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

SECTION 1. That Chapter 20 “Signs”, Section 20-2, “Definitions”; Section 20-9 “Prohibited Signs” are hereby amended; and Section 20-10 “Specific sign requirements”, subsection (a) is also hereby amended and which shall read as follows:

“...

SECTION 20-2 “Definitions”

...

Billboard shall mean a sign which constitutes a primary use of land (not an accessory use) and which directs attention to a business, product, activity or service which is not conducted, sold, offered, or located on the premises where the sign is located, or a sign whose message space is available for lease, rent or hire, separate and apart from any business product, activity or service, which is not conducted, sold, offered, or located on the premises where the sign is located.

...

Electronic Billboard Message shall mean a sign with a fixed or changing display/message composed of a series of lights that may be changed through electronic means. Signs whose alphabetic, pictographic, or symbolic informational content can be changed or altered on a fixed display screen composed of electronically illuminated segments.

...

SECTION 20-9 “Prohibited Signs.”

...

(8) All Billboards (defined as: “A sign which constitutes a primary use of land (not an accessory use) and which directs attention to a business, product, activity or service which is not conducted, sold, offered, or located on the premises where the sign is located, or a sign whose message space is available for lease, rent or hire, separate and apart from any business product, activity or service, which is not conducted, sold, offered, or located on the premises where the sign is located”). The billboards described in this section or under Section 20-2, are subject to the provisions of Section 20-10(a).

SECTION 20-10 “Specific sign requirements”

- (a) Any billboards (as that phrase is defined in section 20-9(8) and section 20-2 of any kind in place on or prior to June 8, 2008, shall conform with the following requirements:

...”

SECTION 2. That all ordinances of the City of Venus, Texas, to the extent such ordinance or ordinances are in conflict with the provisions of this ordinance be and the same are hereby repealed and all other ordinances of the City of Venus, Texas, or portions thereof, not in conflict with the provisions of this ordinance shall remain in full force and effect.

SECTION 3. It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared void, ineffective or unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such voidness, ineffectiveness, or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, or sections of this ordinance, since the same would have been enacted by the City Council without the incorporation herein of any such void, ineffective or unconstitutional phrase, clause, sentence, paragraph or section.

SECTION 4. That this ordinance shall take effect immediately from and after its passage and the publication of the caption, as the law in such cases provides.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF VENUS, TEXAS ON THIS THE 13th DAY OF MAY 2024.

CITY OF VENUS, TEXAS

Alejandro Galaviz, Mayor

ATTEST:

Callie Green, City Secretary

ORDINANCE NO. 789-2023-10

AN ORDINANCE OF THE CITY OF VENUS, JOHNSON AND ELLIS COUNTIES, TEXAS, REPEALING AND REPLACING IN ITS ENTIRETY CHAPTER 20 “SIGNS” AND ENACTING A NEW CHAPTER 20 “SIGNS” ORDINANCE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, it is necessary to repeal and replace in its entirety Chapter 20 “Signs” Ordinance of the City of Venus, Texas, for the purpose of including definitions and sign regulations for the review of a variety of signs; and

WHEREAS, City staff has proposed the “repeal and replace” to the Sign Ordinance that would modernize the Ordinance and create more certainty in the sign review process; and

WHEREAS, it has become necessary to update the regulations in relation to Chapter 20 “Signs Ordinance” and has found repealing and replacing the entire ordinance, as provided herein, are in the best interest of the public health, safety, and welfare of the citizens.

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

SECTION 1. The City Code Ordinance is hereby enacted to read as follows:

“ ...

Chapter 20 SIGNS¹

¹State law reference(s)—Municipal regulation of signs, V.T.C.A., Local Government Code § 216.003; regulation of political signs by municipality, V.T.C.A., Local Government Code § 216.903.

ARTICLE I. IN GENERAL

Sec. 20-1. -General.

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

(Ord. No. 238-2000, §1, 7-11-2000; Ord. No. 343-2008, §1, 6-9-2008)

Sec. 20-2. - Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Abandoned sign means a sign that no longer identifies an active, lawful business or activity or for which no legal owner can be located.

Approved plastic materials. (See definition for *Plastic materials, approved.*)

Arterial thoroughfare means a street designed to carry large volumes of traffic and providing for efficient vehicular movement between large areas of the city normally controlled by traffic signs and signals.

Awning means an architectural projection or shelter projecting from and supported by the exterior wall of a building and composed of a covering of rigid or nonrigid materials and/or fabric on a supporting framework that may be either permanent or retractable, including such structures that are internally illuminated by fluorescent or other light sources.

Awning sign means a sign displayed on or attached flat against the surface or surfaces of an awning.

Backlit awning means an awning with a translucent covering material and a source of illumination contained within its framework.

Banner means a flexible substrate on which copy or graphics may be displayed.

Banner sign means a sign utilizing a banner as its display surface.

Billboard sign means a sign that directs attention to a business, commodity, service, or entertainment conducted, sold or offered at a location other than the premises on which the sign is located.

Building code means the Uniform Building Code (UBC) promulgated by the International Conference of Building Officials.

Building elevation means the entire side of a building from ground level to the roofline, as viewed perpendicular to the walls on that side of the building.

Building official means the officer, or other designated authority, charged with the administration and enforcement of the building code.

Cabinet sign means a sign that contains all text and/or logo symbols within a single enclosed cabinet and may or may not be illuminated.

Candelas means a unit of luminous intensity, defined as the amount of luminous flux (total luminous power emitted from a source and expressed as lumens) per unit solid angle in a given direction.

Canopy means a covering that provides cover or protection to the area below. It may be freestanding and open on all sides, or stretch out from a building, thereby closing in that one side.

Canopy sign means a sign that is permanently affixed to a canopy by paint, glue, sewing, or any other type of non-structural type of attachment.

Combination sign means a sign incorporating any combination of the features of pole, projecting and roof signs.

Construction sign means an on-premises sign, which may be erected for a limited time, identifying any or all the property owners, engineers, architects, or other participants in the construction or improvement of the premises, but which displays no goods or services for sale or other advertising.

Curb line means 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 definition for *Legal setback line*.)

Development sign means an on-premises sign, which may be erected for a limited time, identifying and promoting one (1) or more developments, projects or buildings proposed or currently under construction, but which displays no goods or services for sale or other advertising.

Dilapidated sign means a sign where:

- 1) The structural support or frame members are visibly bent, broken, dented, or torn; or
- 2) The sign face is visibly torn, cracked or, in the case of wood and similar products, splintered in such a way as to constitute a potential harmful condition; or
- 3) The sign or its elements are twisted or leaning or at angles other than those at which originally erected (such as may result from being blown or the failure of a structural support); or
- 4) The signs or its elements are not in compliance with the requirements of the current electrical code and/or the building code of the city.

Directional sign means any sign that is designed and erected for the purpose of providing direction and/or orientation for pedestrian or vehicular traffic.

Display surface means the area made available by the sign structure for the purpose of displaying the advertising message.

Electric sign means any sign containing electrical wiring, but not including signs illuminated by an exterior light source.

Electronic message center (EMC) means an on-premise sign on which the message or copy can be electronically changed by remote or automatic means.

Face area means the entire area contained within a single continuous perimeter enclosing the extreme limits of a sign. In computing the face area of a double-faced, back-to-back or V-type sign, the side with the larger face shall be used to compute the square footage of the sign to determine the size of the sign. Cutouts, uprights, trim and aprons are to be excluded in computing face area.

Fascia sign means a sign mounted against the horizontal piece covering the joint between the top of a wall and the projecting eaves of the roof.

Fence sign means a sign attached to or painted on a fence.

Fin sign means 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.

Flag means a sign made of cloth, bunting or similar material, often attached to a pole, with specific colors, patterns, or symbolic devices, used as a national, state or local symbol, or to indicate membership in an organization. The term "flag" shall also include any such display placed for decorative purposes only, with no commercial logo or advertising message.

Flashing means a sign containing an intermittent, sequential, or blinking light source, or which gives the illusion of intermittent or blinking light by means of animation, or an externally mounted intermittent light source.

Freestanding sign means a sign which is attached to or a part of a completely self-supporting structure such as a frame or one (1) or more poles which is not attached to any building or any other structure and which is permanently affixed to the ground.

Glare means an effect created when an illumination source shines with sufficient brightness to cause discomfort, distract attention, or lead to the reduction or loss of visibility function of the public.

Ground sign means 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 in this section.

Height means the vertical distance between the highest part of the sign or its supporting structure, whichever is higher.

Legal setback line means a line established by ordinance beyond which a building may not be built. A legal setback line may be a property line.

Logo means an identifying symbol used for advertising purposes, which may or may not be a registered trademark or service mark of the entity identified.

Lumens means the luminous flux emitted per unit solid angle from a uniform point source whose luminous intensity is one (1) candela.

Maintenance means the cleaning, painting, repairing, or replacing of defective parts of a sign in a manner that does not alter the basic copy, design, or structure of the sign, but does not include changing the design of the sign's support construction, changing the type of component materials, or increasing the illumination.

Mansard sign means a sign permanently affixed to a wall or surface designed to protect the edge of a roof, such surface being no more than 30 degrees from vertical.

Marquee means a permanent roofed structure attached to and supported by the building and projecting over public property.

Menu board means a sign displaying the menu for drive-up window service.

Monument sign means a permanent freestanding sign in which a majority of the structure's width is in contact with the ground.

Mobile sign means a sign designed for use and display outdoors which is mounted on a trailer or is otherwise capable of being easily transported or moved from place to place.

Multitenant sign means an identification sign for a commercial site with multiple tenants, displaying the names of each tenant on the site.

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 UBC 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 subsection (1) of this definition, with a surfacing material not over one-eighth inch thick, which has a flame-spread rating of 50 or less.

The term "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 subsection (1) of this definition. 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.

The term "flame-spread rating," as used herein, refers to rating obtained according to tests conducted as specified in U.C. Standard No. 42-I.

Nonstructural trim means the molding, battens, caps, nailing strips, latticing, cutouts, or letters and walkways which are attached to the sign structure.

Off-premises sign means a sign which advertises or directs attention to a business, product, service, or activity which is not usually available on the premises where the sign is located.

Parapet means the extension of a building façade above the line of the structural roof.

Pennant means a temporary sign made of lightweight material which tapers to a point, hung individually or in a series, with or without a log or an advertising message printed or painted on it.

Plastic materials, approved, shall be those having a self-ignition temperature of 650 degrees Fahrenheit or greater, and a smoke-density rating not greater than 450, when tested in accordance with UBC 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 UBC Standard No 52-2. Approved plastics shall be classified and shall meet the requirements for either CC1 or CC2 plastic.

Pole sign means a sign wholly supported by a sign structure in the ground.

Political sign means a temporary sign announcing or supporting political candidates or issues in connection with any national, state, or local election.

Portable display surface means a display surface temporarily fixed to a standardized advertising structure, which is regularly moved from structure to structure at periodic intervals.

Projecting sign means a sign, other than a wall sign, which projects from and is supported by a wall of a building or structure.

Projection means the distance by which a sign extends over public property or beyond the building line.

Pylon sign means a permanent freestanding sign which has at least twenty-five (25) percent of the sign structure width in contact with the ground and in which the sign face is separated from ground level by means of one (1) or more supports such as poles, pole covers or columns.

Real estate sign means a temporary sign pertaining to the sale or lease of the premises, or a portion of the premises, on which the sign is located.

Roof sign means a sign erected upon or above a roof or parapet of a building or structure.

Setback means, for a front yard setback, the required distance between the portion of a sign on private land closest to the public right-of-way and the nearest point at the edge of the nearest public right-of-way, other than an alley. If a public-right-of-way crosses a railroad right-of-way, the setback distance is to be measured from the public right-of-way line extended across the railroad right-of-way, the setback distance is to be measured from the public right-of-way line extended across the railroad right-of-way. For a side yard setback, the required distance between the portion of a sign on private land closest to the boundary line on the adjoining lot and the nearest point on the boundary line on the adjoining lot.

Sign means an outdoor structure, sign, display, light, device, figure, painting, drawing, message, plaque, poster, billboard, or other thing that is designed, intended, or used to advertise or inform.

Sign area means the actual message or display area of a sign and shall include the border and trim when calculating regular shapes (square, rectangle, triangle, circle). In the case, of an irregular-shaped sign, the gross area shall be calculated by enclosing the message area by using applicable geometric shapes.

Sign face means that portion of the sign that is or can be used to identify, display, advertise, or communicate information, or for a visual representation which attracts or intends to attract the attention of the public for any purpose.

Sign height means the vertical distance between the highest point of the sign or its supporting structure and the natural grade directly below the sign.

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

Structure means 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.

Subdivision identification means an identification sign at the main entrance or entrances to a residential subdivision or planned development project.

Temporary sign means 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.

Transition means a visual effect used on an electronic sign to change from one (1) message to another.

UBC standards means the Uniform Building Code Standards volume, promulgated by the International Conference of Building Officials.

V-type sign means a sign structure composed of two (2) signs with the faces oriented in opposite directions and in the general shape of the letter “V,” provided, however, that only one (1) face can be viewed from any one (1) direction from any public street, and with a maximum angle between the faces of sixty (60) degrees.

Wall sign means 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.

Window sign means a temporary sign placed on, affixed to, painted on or located within the frame of a transparent opening in the wall of a building.

(Ord. No. 238-2000, § 2, 7-11-2000)

Sec. 20-3. – Penalty.

Any person, or his 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 \$1.00 nor more than \$500.00, and each day of noncompliance continues shall constitute a separate and distinct offense.

(Ord. No. 271-2003, § 1, 2-11-2003)

Sec. 20-4. –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.

- (6) Signs on fences or other structures that are positioned internally within the public or private play fields.
- (7) Signs prepared for buildings of historical significance.
- (8) Temporary signs advertising garage sales provided that such signs shall not exceed four (4) square feet; are only allowed on private property; and shall be removed within one (1) day following the sale.
- (9) Wall decorations and works of art that do not include a commercial message.
- (10) Flags, streamers, pennants and inflatables associated with a promotion or special event.

(Ord. No. 238-2000, § 3, 7-11-2000)

Sec. 20-5. – 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 facade signage and/or one freestanding sign per public street frontage, not to exceed a combined total of 25 square feet in area for every 150 feet, one square foot of additional sign area shall be allowed for each six feet of frontage up to a maximum of 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 used, such as churches and schools, shall be limited to 15 feet.

(Ord. No. 238-2000, § 4, 7-11-2000)

Sec. 20-6. – Signs in commercial zones.

- (a) Development complexes. All development complexes shall require a master signage plan (as defined in section 20-12) pursuant to the requirements of this chapter, prior to the installation of any signage.
- (b) Business signs. Each enterprise, institution or business shall be permitted wall signs, one under-canopy sign (as defined in section 20-7 (c) (4)) per street frontage and one freestanding sign each.

(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).

(Ord. No. 238-2000, § 5, 7-11-2000)

Sec. 20-7. – Signs in manufacturing zones.

- (a) *Development complexes.* All development complexes shall require a master signage plan pursuant to the requirements of this section and section 20-12, 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 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 facade 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 facade signage shall not exceed three square feet for each lineal foot of the building wall from which the sign is attached.
 - (2) *Maximum projecting sign area.* One square foot for each two lineal feet of the building wall from which the sign projects, not to exceed 64 square feet. The total area of projecting signs shall be subtracted from the permitted total area of facade signs.
 - (3) *Maximum freestanding sign area.* One 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 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 length, 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 feet.

- (5) *Off-premises signs.* Off-premises signs shall be permitted pursuant to the requirements of this section.
- (6) *Changeable electronic variable message signs (CEVMS).* Changeable electronic variable message signs are prohibited.

(Ord. No. 238-2000, § 6, 7-11-2000; Ord. No. 343-2008, § 6, 6-9-2008)

Sec. 20-8. – 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.
 - 1) Light intensity or brightness shall not adversely affect the vision of pedestrian or vehicle operator on public or private streets, driveways, or parking areas, or operator of aircraft in the approach path to any airport runway;
 - 2) Shall not contain a light source which produces a pulsating strobe-like effect.
 - 3) Illumination from any sign shall not interfere with the effectiveness of any official traffic sign, signal or device.
 - 4) Electronic message displays must have an electronic control to produce the required illumination change required.
 - 5) No lighted sign shall be erected within one hundred fifty (150) feet of a residential development unless the sign is oriented in such manner as to not be directly visible from the residential use.
- (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 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 facade 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.
 - 1) The Chief Building Official shall have the authority to inspect any outdoor sign to determine its structural integrity.
 - 2) Signs which are determined by the Chief Building Official in his sole discretion to be in a dilapidated or otherwise unsafe condition, shall not be allowed to remain on any premises.
 - 3) For any sign so designated as dilapidated or otherwise unsafe, written notice shall be given to remove the sign or bring the sign into compliance according to this chapter.
 - 4) Any sign which is determined by the Chief Building Official or Code Enforcement to be abandoned, after receiving written notification as described in subparagraph 3 above, the property owner, lessee, or person responsible for the sign shall have sixty (60) working days in which the message portion of the sign must be replaced to identify a bona fide business on the property, be painted over, replaced with an opaque fence, modified, or removed so that the remaining sign is left visually unobtrusive, presents a solid façade, and does not appear to be in disrepair or dismantled.
 - 5) Where an electric sign is erected or constructed, an inspection by the Chief Building Official shall be made and such electrical sign shall comply with city ordinances.
 - 6) Any person occupying any location with a sign and the owner shall be subject to the same duties and responsibilities as the owner of the location on which the sign is located, with respect to keeping the site clean, sanitary, inoffensive, and clear of debris, trash, junk or other noxious substances.
- (g) Sign construction.
 - 1) All signs shall be designed to withstand the design wind pressure as required in conformity with the appropriate adopted City construction code
 - 2) All braces, guy wires and supports shall be designed to withstand all dead load and wind load stresses.
 - 3) Any sign with more than a forty-foot height shall have the plans sealed by an architect or engineer licensed to practice in the State of Texas.

- 4) Any roof sign with more than a twenty-foot height from the top of the sign to the roof below shall have the plans sealed by an architect or engineer licensed to practice in the State of Texas.
 - 5) Any roof sign that does not have three (3) feet of clearance around the ends of the sign shall have an opening of three (3) feet width by four (4) feet height at the end for service and firefighting purposes.
- (h) Calculating sign area.
- 1) Back-to-back signs. Only one (1) side of a back-to-back sign is measured in calculating sign area.
 - 2) V-type signs. Only the largest face of a V-type sign shall be measured in determining the total sign area of the sign.
 - a. If a two-face sign is erected in a “V” shape, both faces of which can be seen from the same public street or are at an angle of greater than sixty (60) degrees to each other, then such sign is not a V-type sign and shall be considered two (2) separate signs for all purposes.
 - 3) Canopy signs. The area of canopy signs shall count towards the total area of wall signs allowed on a property.
 - 4) Use of advertising on a sign structure. Any portion of a sign structure that is used for advertising shall be calculated as part of the allowed freestanding sign area.
- (i) Use of an electronic message center (EMC) sign.
- a. Operational limitations.
 - i. The display of a static message and/or the use of scroll/travel to display a message and/or image shall be permitted.
 - ii. The use of any other type of transition, such as dissolve/fade, and the use of frame effects, such as animation whereby text or graphics appear to move or change in size, shall be prohibited except in accordance with the following:
 1. Each message or image must be displayed for a minimum of five (5) seconds; and
 2. The change of message or image must be accompanied within two (2) seconds or less and must occur simultaneously on the entire sign face.
 - b. Size limitations.
 - i. An EMC may not exceed fifty (50) percent of the total freestanding sign area as allowed for a given district.

(Ord. No. 238-2000, § 7, 7-11-2000; Ord. No. 343-2008, § 7, 6-9-2008)

Sec. 20-9. 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, the 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 subsection (7) of this section;
- (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;

(Ord. No. 238-2000, § 8, 7-11-2000; Ord. No. 343-2008, § 8, 6-9-2008)

Sec. 20-10. Specific sign requirements.

- (a) Advertising Billboards (defined as a sign which directs attention to a business, product, activity, or service which is not conducted, sold, offered, or located on the premises on which the sign is located) or billboards of any kind, in place prior to June 9, 2008. Requirements for signs in place prior to June 9, 2008 are:
 - (1) Maximum height from adjacent grade is 42 feet;

- (2) Maximum area is 300 square feet;
- (3) Minimum ground clearance is ten feet;
- (4) Minimum front yard setback is 15 feet;
- (5) Minimum distance from residential zones is 300 feet, measured along the street;
- (6) Minimum distance from other billboards is 1,000 feet;
- (7) Minimum distance from street intersection is 200 feet as measured from the right-of-way;
- (8) Maximum number, per parcel of property, is one, excluding railroad right-of-way.
- (9) All billboards shall have an annual inspection if they are on railroad right of way or within 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 square feet in area in the residential zones, and shall not exceed four square feet in area in all other zones.
- (c) In the C-1 (Restricted Commercial) District:
 - 1) One Electronic Message Center shall be allowed per property and shall comply with paragraph (i) "Use of an Electronic Message Center."
 - 2) One (1) freestanding sign shall be allowed per street frontage.
 - 3) Freestanding signs are allowed a maximum area equal to 1.5 square foot per lineal foot of lot frontage, not to exceed one hundred fifty (150) square feet. A minimum of sixty (60) square feet will be allowed regardless of length of frontage.
 - 4) No portion of the sign or support shall be less than fifteen (15) feet from any adjacent right-of-way.
 - 5) The maximum height for a freestanding sign may not exceed:
 - a. Twenty (20) feet on an arterial street;
 - b. Fifteen (15) feet on a non-arterial street.
 - 6) No sign may be placed on a berm or other structure so as to artificially increase the height.
 - 7) Wall signs may not exceed the total of one and half (1.5) square feet per lineal foot

of the building frontage on which the sign is affixed. A wall sign may not exceed seventy-five (75) percent of the length of building frontage or tenant space on which the sign is affixed.

- 8) No illuminated wall sign shall be permitted on a side of a building where said sign would be adjacent to a residential use.
- 9) For properties that exceed one hundred fifty (150) linear feet of lot frontage, an additional freestanding sign shall be allowed for every one hundred fifty (150) linear feet of lot frontage with a minimum of seventy-five (75) linear feet spacing between signs. In all cases, no more than four (4) freestanding signs shall be allowed per development.
- 10) Gasoline price signs shall not be counted towards the sign area for the property, provided that no more than one (1) such sign, up to twenty (20) square feet in area shall be allowed per street frontage.

(d) In the C-2 (General Commercial) District:

- 1) One Electronic Message Center shall be allowed per property and shall comply with paragraph (i) "Use of an Electronic Message Center."
- 2) One (1) freestanding sign shall be allowed per street frontage.
- 3) Freestanding signs are allowed a maximum area equal to two (2) square foot per lineal foot of lot frontage subject to the following:
 - a. May not exceed two hundred (200) square feet if adjacent to a non-arterial thoroughfare.
 - b. May not exceed two hundred fifty (250) square feet if adjacent to an arterial thoroughfare.
 - c. A minimum of sixty (60) square feet will be allowed regardless of length of frontage.
 - d. No portion of the sign or support shall be less than fifteen (15) feet from any adjacent right-of-way.
- 4) The maximum height for a freestanding sign may not exceed:
 - a. Thirty-eight (38) feet on an arterial street;
 - b. Twenty (20) feet on a non-arterial street.
- 5) No sign may be placed on a berm or other structure so as to artificially increase the height.
- 6) Wall signs may not exceed the total of two (2) square feet per lineal foot of the

building frontage on which the sign is affixed. A wall sign may not exceed seventy-five (75) percent of the length of the building frontage or tenant space on which the sign is affixed.

- 7) No illuminated wall sign shall be permitted on a side of a building where said sign would be adjacent to a residential use.
- 8) For properties that exceed one hundred fifty (150) linear feet of lot frontage, an additional freestanding sign shall be allowed for every one hundred fifty (150) linear feet of lot frontage with a minimum of seventy-five (75) linear feet spacing between signs. In all cases, no more than four (4) freestanding signs shall be allowed per development.
- 9) Gasoline price signs shall not be counted towards the sign area for the property, provided that no more than one (1) such sign, up to twenty (20) square feet in area shall be allowed per street frontage.
- 10) Freestanding menu boards for drive-through service that not exceed thirty-two (32) square feet in an area and six (6) feet in height shall not be counted toward the allowable total sign area.

(e) In the CB (Central Business) District:

Signs may be erected so as to project into the public right-of-way of any street or alley provided that said sign shall not exceed outward from any building face into the right-of-way for a distance of more than ten (10) feet or to within two (2) feet of the back of the curb, whichever is more restrictive and shall have a minimum clearance of nine (9) feet above the sidewalk grade or ground level. The area of such projecting signs shall be calculated as a wall sign.

(f) For a property which (a) has a street frontage on US Highway 67, N FM 157, and S FM 157 (excluding those segments of S FM 157 between W 1st St.; E 1st St.; and W 8th St. and E 8th St.), and (b) is in a C-2 (General Commercial) District or less restrictive zoning district, may have one (1) on-premises freestanding sign subject to the following regulations:

- 1) One (1) Electronic Message Center shall be allowed per property and shall comply with paragraph (i) "Use of an Electronic Message Center."
- 2) The height of such sign, which must be located adjacent to the right-of-way frontage, may not exceed sixty (60) feet.
- 3) The maximum sign area may not exceed three hundred (300) square feet.
- 4) No portion of the sign or support shall be less than fifteen (15) feet from any adjacent right-of-way.
- 5) No portion of the sign or support shall be less than 100-feet from the boundary of a residential zoning district.

- 6) Gasoline price signs shall not be counted toward the sign area for the property, provided that no more than one (1) such sign, up to sixty-four (64) square feet in area, shall be allowed per street frontage.
- (g) Planned Development Districts. Any property located within a Planned Development District, or governed by a specific use permit, may be subject to additional regulations beyond those in this section. Said regulations may be either more or less restrictive than those set out herein.
- (h) Off-premises signs. "Off-premise sign" means a sign displaying advertising copy 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.
- (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:
- Each nonprofit organization shall be eligible for a bonus for no more than one facade sign or one freestanding sign.
 - The maximum bonus available shall be 50 percent of the base permitted sign area if located in a residential zone, or 100 percent if located in any other zone.
 - 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.
 - 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.
 - The signs shall not be of a size or sited 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:
- By virtue of the sign's design, size, location and other factors, including appropriate consistent with community aesthetic sensibilities.
 - 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.
- (i) Bus bench signs. Bus bench signs shall be limited to two benches per lot.

(Ord. No. 238-2000, § 9, 7-11-2000; Ord. No. 343-2008, § 9, 6-9-2008)

Sec. 20-11. Temporary signs.

(a) Political signs. (Fee exempt.)

- (1) Political signs shall be permitted in all zones.
- (2) Such signs shall not exceed 48 square feet in area and shall not exceed 48 inches in height.
- (3) Political signs shall be permitted only for a period of 60 days preceding the election and shall be removed within ten 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, nor on any city/public property.
- (5) Political signs established in violation of this subsection (a) shall be immediately removed by the city.

(b) Portable signs.

- (1) Portable signs shall not exceed 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 45 days during any single calendar year.
- (3) There shall be no more than one portable sign per parcel of property or business, whichever is the 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 subsection (c)(4) of this section.
- (2) Such signs shall conform with the following maximum size requirements: Four square feet in area for the first 10,000 square feet of lot area, not to exceed 32 square feet.

- (3) Real estate signs shall be removed upon the 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 32 square feet in area, no greater than eight 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 facade, wall or window of the building occupying or conducting the sale or event which they advertise.
 - (3) No business shall have more than two such signs for each facade 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 facade sign or four 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 the 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 the 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 five 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 streamers 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.

(Ord. No. 238-2000, § 10, 7-11-2000; Ord. No. 328-2007, § 1, 5-21-2007; Ord. No. 343-2008, § 10, 6-9-2008)

Sec. 20-12. Master signage plan for development complexes.

- (a) Generally. Signs for all development complexes shall comply with a master signage 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:
 - (1) Business signs. Each enterprise, institution or business shall be permitted facade signs and no more than one projecting sign subject to the maximum size requirements set forth for the applicable zone.
 - (2) Freestanding signs. Each development complex shall be permitted one 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 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.
- (b) 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.

(Ord. No. 238-2000, § 11, 7-11-2000)

Sec. 20-13. Change in use.

Whenever the use of land or structures change, 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 chapter. Furthermore, it shall be the responsibility of the property owner of the land and/or improvements to remove any signs on premises where the associated use has been discontinued for a period of more than 90 days.

(Ord. No. 238-2000, § 12, 7-11-2000)

Sec. 20-14. Nonconforming signs.

Whenever a business, person, enterprise, or institution for which existing signage does not conform to the requirements of this chapter, 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 chapter.
- (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 prior to June 9, 2008 may not be altered or replaced.
- (6) Loss of legal non-conforming status. A non-conforming sign shall immediately lose its non-conforming designation and must be brought into compliance with these regulations, or be removed, if:
 - a) The sign structure is replaced; this shall not prevent the replacement of the face(s) to accommodate a new business, express a different message, or upgrade conditions, except that no such sign may be modified or otherwise converted to an electronic message center; or
 - b) The sign is part of an establishment that discontinues its operation for a period of one (1) year or longer; or two (2) years if the establishment is leased.
 - c) The sign is damaged or structurally altered to an extent.

(Ord. No. 238-2000, § 13, 7-11-2000; Ord. No. 343-2008, § 13, 6-9-2008)

Sec. 20-15. Permit required.

A sign permit shall be required and obtained from the building inspections department prior to its installation or construction. All signs require a permit unless specifically exempted.

(Ord. No. 238-2000, § 14, 7-11-2000)

Sec. 20-16. Public sidewalk retail displays- Permit required.

It shall be unlawful for any person to install or place any merchandise for display or sale or to post or display signs, advertising or other matter upon any sidewalk or public right-of-way without a permit as provided by sections 20-16 through 20-20 of this chapter. Each day of a violation of this section shall constitute a separate offense. Receipt of a sidewalk retail display permit shall exempt the permittee from obtaining a "minor easement" from the city for any fixture or structure approved by the permit. A sidewalk retail display permit shall be a license to use the sidewalk and shall not grant nor shall it be construed or considered to grant any person any property right or interest in the sidewalk or right-of-way. Each application for a sidewalk retail display permit shall require the payment of the permit fee as set by the city council and included in the master fee schedule.

(Ord. No. 651-2018-05 , § A, 5-14-2018)

Sec. 20-17. Same-Liability and insurance.

- (a) By applying for a sidewalk retail display permit, any person owning or operating such use agrees to indemnify, defend, save and hold harmless the city, its officers, agents and employees from any and all claims, liability, lawsuits, damages and causes of action which may rise out of such activity. The owner or operator shall enter into a written agreement with the city to evidence this indemnification. Such agreement must have the written approval of the city attorney prior to operating such use.
- (b) The owner or operator shall acquire and keep in full force and effect, at its own expense, the insurance in the following amounts and types:
 - (1) Commercial general liability in the amount of \$500,000.00 per occurrence for bodily injury and property damage. The city must be named as an additional insured on this policy and an endorsement must be issued as part of the policy evidencing compliance with this requirement.
 - (2) Workers' compensation and employers' liability as required by the State of Texas.
 - (3) All policies must be issued by companies authorized to do business in the State of Texas.

- (4) The city shall receive at least 30 days written notice prior to any cancellation, non-renewal or material change in the coverage provided.
- (5) Any person operating a sidewalk retail display shall provide, and must have approved by the city administrator, an original certificate of insurance as evidence that the above requirements have been met prior to the initiation of the sidewalk retail display. Failure to comply with all these requirements shall cause a suspension or revocation of all sidewalk retail display activities.
- (6) The insurance policy shall be in effect from October 1 until September 30 of the following calendar year.

(Ord. No. 651-2018-05 , § A, 5-14-2018)

Sec. 20-18. Same-Standards and criteria for application review.

The following standards and criteria shall be applied in reviewing an application:

- (1) Sidewalk retail display shall be a permitted accessory use to a retail business.
- (2) Sidewalk retail display shall be related to the principal use of the abutting property.
- (3) Sidewalk retail display is prohibited at any time the use of the abutting building is not open for business and is prohibited between the hours of 11:00 p.m. and 7:00 a.m.
- (4) No sidewalk retail display shall obstruct pedestrian or vehicular traffic or be in a visibility triangle.
- (5) Sidewalk retail display shall be located in a manner that promotes efficient and direct pedestrian movement.
- (6) A minimum of one unobstructed pedestrian path at least six feet wide shall be maintained, at all times. A wider pedestrian path may be required in areas of congested pedestrian activity.
- (7) Unobstructed passage shall be provided to building entrances including at least a two foot clearance on each side of any entrance, fire hydrants, or other fixture located within the display area;
- (8) A minimum setback of at least six feet from the curb line shall be provided to maintain adequate space for pedestrian access to motor vehicles;
- (9) Display may be up to three feet deep from building.
- (10) Furniture and equipment shall not be anchored to the sidewalk in the right-of-way nor shall they be attached or affixed to any tree, post, sign or other structure;
- (11) A sidewalk retail display area shall not exceed 100 square feet for all outdoor displays areas; and

- (12) Merchandise and display fixtures shall not exceed five feet in height when abutting the building and four feet when not abutting the building.
- (13) All accessible routes must be maintained in accordance with the most recent adopted Texas Accessibility Standards (TAS) promulgated by the Texas Department of Licensing and Regulation.

(Ord. No. 651-2018-05 , § A, 5-14-2018)

Sec. 20-19. Same-Conditions of sidewalk retail display permit.

Sidewalk retail display permits shall be subject to the following conditions:

- (1) The city may require the temporary removal of sidewalk retail displays by the permittee when street, sidewalk, or utility repairs necessitate such action or when it is necessary to clear sidewalks for a permit issued by the city. The permittee shall not be entitled to any refund for such removal. The city shall not be responsible for any costs associated with the removal or the return and installation of any sidewalk retail display.
- (2) The city may cause the immediate removal or relocation of all or any part of the sidewalk retail display in emergency situations. The city, its officers, agents and employees shall not be responsible for any damages or loss of sidewalk retail displays relocated during emergency situations and shall not be responsible for any costs associated with the removal or the return and installation of any sidewalk retail displays.
- (3) The sidewalk retail display shall be maintained in a neat and orderly appearance at all times and shall be cleared of all debris on a periodic basis during the day and at the close of each business day.
- (4) The permittee is responsible for repair of any damage to the sidewalk caused by the sidewalk retail display.
- (5) The city may revoke and require a new application for a sidewalk retail display permit for non-compliance with sections 20-17 or 20-18 of this chapter, change in business ownership, change in display configuration, or the age of the permit.

(Ord. No. 651-2018-05 , § A, 5-14-2018)

Sec. 20-20. Same-Exemptions.

- (a) Retail ice machines otherwise in compliance with sections 20-16 through 20-20 are exempt from the section 20-18(3) prohibition.
- (b) Newspaper stands otherwise in compliance with sections 20-16 through 20-20 are exempt from the section 20-18(3) prohibition.

(Ord. No. 651-2018-05 , § A, 5-14-2018)

..."

SECTION 2. That all Ordinances of the City of Venus, Texas in conflict with the provisions of this Ordinance are repealed and all other Ordinances of the City of Venus, Texas not in conflict with the provisions of this Ordinance shall remain in full force and effect.

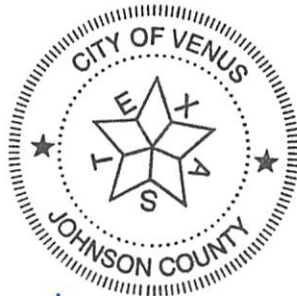
SECTION 3. If any section, article, paragraph, sentence, clause phrase or word in this Ordinance or application thereof to any person or circumstance is held invalid or unconstitutional by a Court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this Ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

SECTION 4. That this Ordinance shall take effect immediately from and after its passage and the publication of the caption, as the law in such cases provide.

SECTION 5. Upon publication of this Ordinance the City Secretary, any person, firm or corporation who violates, disobeys, omits, neglects, or refuses to comply with or resists the enforcement of any the provisions of this Ordinance shall be fined not more than Five Hundred Dollars (\$500.00) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

SECTION 6. That all recitals contained in this Ordinance are fully incorporated herein as if fully written.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF VENUS, TEXAS ON THIS THE 9th DAY OF OCTOBER 2023.



CITY OF VENUS, TEXAS


ALEJANDRO GALAVIZ, Mayor

ATTEST:


CALLIE GREEN, City Secretary

APPROVED AS TO FORM:

MICHAEL HALLA, City Attorney

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

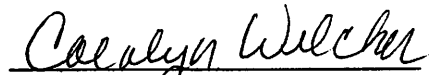
WHEREAS the City council has determined that changeable electronic variable message signs (CEVMS), as defined herein, are inconsistent with the above-stated goals;

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

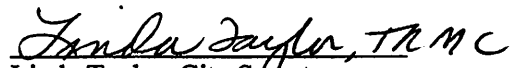
SIGN ORDINANCE #238-2000 OF THE CITY OF VENUS, TEXAS IS HEREBY AMENDED TO REFLECT THE CHANGES INDICATED BY THE ATTACHED DOCUMENT, SPECIFICLY THE PROHIBITION OF BILLBOARDS AND CHANGEABLE ELECTRONIC VARIABLE MESSAGE SIGNAGE WITHIN THE CITY LIMITS AND ETJ OF VENUS, TEXAS.

PASSED AND APPROVED the 9th day of June, 2008, by the City Council of the City of Venus, Texas.

THE CITY OF VENUS


Carolyn Welcher, Mayor

ATTEST:


Linda Taylor, City Secretary



Add



Delete

ORDINANCE NO. 238-2000

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 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.

CHANGEABLE ELECTRONIC VARIABLE MESSAGE SIGNS (CEVMS): A sign which permits lights to be turned on or off intermittently or which is operated in a way whereby light is turned on or off intermittently, including any illuminated sign on which such

- 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.
 - 6. Billboards. Billboards shall be permitted in non-residential zoning only, subject to the provisions 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.
- (g) Electronic Message Signs. Electronic message signs which display time and temperature, or provide changing messages, are permitted, provided such signs do not blink or flash.

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 may only be placed in industrial zoning are prohibited.
9. Changeable Electronic Variable Message (CEVMS) signs 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) 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

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.

(h) 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. provided that these restrictions shall not apply to lawfully established billboards.
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

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 prior to June 9, 2008 may not be altered or replaced, which do not conform to the requirements of this section shall be removed, altered or replaced so as to fully conform to the requirements of this section within nine years after the date of installing the billboard, or six years after notification by the jurisdiction of the billboards nonconformity, whichever is longer obtaining a sign permit.

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.