

By: Coleman

H.B. No. 3483

A BILL TO BE ENTITLED

AN ACT

relating to county authority to prohibit off-premise signs on certain roads and standards for off-premise signs.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter A, Chapter 391, Transportation Code, is amended by adding Section 391.006 to read as follows:

Sec. 391.006. DUTIES OF COMMISSION. The commission shall:

(1) administer and enforce this chapter; and

(2) adopt rules to regulate the erecting and maintaining of a sign to which this chapter applies.

SECTION 2. Section 391.031, Transportation Code, is amended by adding Subsection (c-1) to read as follows:

(c-1) For outdoor advertising located in an area located outside the corporate boundaries and extraterritorial jurisdiction of a municipality, the commission shall adopt rules under Subsection (b)(4) relating to outdoor advertising in industrial or commercial areas that:

(1) require an industrial or commercial area to contain four or more adjacent businesses;

(2) limit outdoor advertising to the premises of a business that is part of the industrial or commercial area;

(3) limit the height of each outdoor advertising sign structure to not more than 25 feet in height;

(4) limit the face size of the outdoor advertising to

300 square feet or less, and do not allow face stacking or side-by-side faces; and

(5) prohibit the use of internal or external lighting for the outdoor advertising.

SECTION 3. Section 391.252, Transportation Code, is amended by amending Subsection (a) and adding Subsection (d) to read as follows:

(a) A person may not erect an off-premise sign that is adjacent to and visible from:

(1) U.S. Highway 290 between the western city limits of the city of Austin and the eastern city limits of the city of Fredericksburg;

(2) State Highway 317 between the northern city limits of the city of Belton to the southern city limits of the city of Valley Mills;

(3) State Highway 16 between the northern city limits of the city of Kerrville and Interstate Highway 20;

(4) U.S. Highway 77 between State Highway 186 and State Highway 44;

(5) U.S. Highway 281 between:

(A) State Highway 186 and Interstate Highway 37, exclusive of the segment of U.S. Highway 281 located in the city limits of Three Rivers; and

(B) the southern boundary line of Comal County and State Highway 306;

(6) State Highway 17 between State Highway 118 and U.S. Highway 90;

1 (7) State Highway 67 between U.S. Highway 90 and
2 Farm-to-Market Road 170;

3 (8) Farm-to-Market Road 170 between State Highway 67
4 and State Highway 118;

5 (9) State Highway 118 between Farm-to-Market Road 170
6 and State Highway 17;

7 (10) State Highway 105 between the western city limits
8 of the city of Sour Lake to the eastern city limits of the city of
9 Cleveland;

10 (11) State Highway 73 between the eastern city limits
11 of the city of Winnie to the western city limits of the city of Port
12 Arthur;

13 (12) State Highway 21 between the southern city limits
14 of the city of College Station and U.S. Highway 290;

15 (13) a highway located in:

16 (A) the Sabine National Forest;

17 (B) the Davy Crockett National Forest; or

18 (C) the Sam Houston National Forest;

19 (14) Segments 1 through 4 of State Highway 130;

20 (15) a highway in Bandera County that is part of the
21 state highway system;

22 (16) Farm-to-Market Road 3238 beginning at State
23 Highway 71 and any extension of that road through Hays and Blanco
24 Counties;

25 (17) Farm-to-Market Road 2978 between Farm-to-Market
26 Road 1488 and the boundary line between Harris and Montgomery
27 Counties;

(18) U.S. Highway 90 between the western city limits of the city of San Antonio and the eastern city limits of the city of Hondo; ~~[or]~~

(19) the following highways in Austin County:

(A) State Highway 159;

(B) Farm-to-Market Road 331;

(C) Farm-to-Market Road 529;

(D) Farm-to-Market Road 1094; and

(E) Farm-to-Market Road 2502; or

(20) after the date of written notice of the order to the department, a public road or portion of a public road that:

(A) is located outside the corporate boundaries and the extraterritorial jurisdiction of a municipality; and

(B) is designated by order of the commissioners court of the county in which the road or portion of the road is located as a road or segment to which this subsection applies.

(d) A commissioners court may adopt an order under Subsection (a)(20) only after conducting a public hearing on the proposed order.

SECTION 4. Subchapter A, Chapter 394, Transportation Code, is amended by adding Section 394.006 to read as follows:

Sec. 394.006. DUTIES OF COMMISSION. The commission shall:

(1) administer and enforce this chapter; and

(2) adopt rules to regulate the erecting and maintaining of a sign to which this chapter applies.

SECTION 5. Section 394.021, Transportation Code, is amended by amending Subsection (b) and adding Subsection (b-2) to read as

1 follows:

2 (b) Except as otherwise authorized by this chapter, the
3 commission may not issue a permit for an off-premise sign unless the
4 sign is to be located:

5 (1) if located in the extraterritorial jurisdiction of
6 a municipality:

7 (A) within 800 feet of a recognized commercial or
8 industrial business activity or the office of a governmental
9 entity; and

10 (B) [~~(2)~~] on the same side of the road as the
11 business activity or the office of the governmental entity; or

12 (2) if located outside the corporate boundaries and
13 extraterritorial jurisdiction of a municipality, on the business
14 premises of a business that is part of a recognized commercial or
15 industrial business activity as determined by commission rule.

16 (b-2) For purposes of Subsection (b)(2), a recognized
17 commercial or industrial business activity must contain at least
18 four businesses that otherwise meet the criteria established by
19 commission rules for a recognized commercial or industrial
20 business.

21 SECTION 6. The heading to Section 394.041, Transportation
22 Code, is amended to read as follows:

23 Sec. 394.041. HEIGHT RESTRICTIONS FOR SIGNS IN MUNICIPAL
24 EXTRATERRITORIAL JURISDICTION.

25 SECTION 7. Section 394.041, Transportation Code, is amended
26 by adding Subsection (a-1) to read as follows:

27 (a-1) This section applies only to an off-premise sign

1 located in the extraterritorial jurisdiction of a municipality.

2 SECTION 8. Subchapter C, Chapter 394, Transportation Code,
3 is amended by adding Section 394.0411 to read as follows:

4 Sec. 394.0411. HEIGHT RESTRICTIONS FOR SIGNS LOCATED
5 OUTSIDE MUNICIPAL CORPORATE BOUNDARIES AND EXTRATERRITORIAL
6 JURISDICTION. An off-premise sign located outside the corporate
7 boundaries and extraterritorial jurisdiction of a municipality may
8 not be taller than 25 feet:

9 (1) excluding any cutout that extends above the
10 rectangular border; and

11 (2) measured from the highest point on the sign to the
12 grade level of the road from which the sign is viewed.

13 SECTION 9. The heading to Section 394.042, Transportation
14 Code, is amended to read as follows:

15 Sec. 394.042. FACE RESTRICTIONS FOR SIGNS IN MUNICIPAL
16 EXTRATERRITORIAL JURISDICTION.

17 SECTION 10. Section 394.042, Transportation Code, is
18 amended by adding Subsection (a-1) to read as follows:

19 (a-1) This section applies only to an off-premise sign
20 located in the extraterritorial jurisdiction of a municipality.

21 SECTION 11. Subchapter C, Chapter 394, Transportation Code,
22 is amended by adding Section 394.0421 to read as follows:

23 Sec. 394.0421. FACE RESTRICTIONS FOR SIGNS OUTSIDE
24 MUNICIPAL CORPORATE BOUNDARIES AND EXTRATERRITORIAL JURISDICTION.

25 The face area of an off-premise sign located outside the corporate
26 boundaries and extraterritorial jurisdiction of a municipality may
27 not be larger than 300 square feet, excluding a cutout, upright,

1 trim, or apron.

2 SECTION 12. Subchapter C, Chapter 394, Transportation Code,
3 is amended by adding Section 394.052 to read as follows:

4 Sec. 394.052. LIGHTING FOR OFF-PREMISE SIGNS LOCATED
5 OUTSIDE MUNICIPAL CORPORATE BOUNDARIES AND EXTRATERRITORIAL
6 JURISDICTION. Notwithstanding any other law, an off-premise sign
7 located outside the corporate boundaries and extraterritorial
8 jurisdiction of a municipality may not have internal or external
9 lighting.

10 SECTION 13. The changes in law made by this Act apply only
11 to outdoor advertising or a sign erected on or after the effective
12 date of this Act. Outdoor advertising or a sign erected before the
13 effective date of this Act is covered by the law in effect when the
14 outdoor advertising or sign was erected, and the former law is
15 continued in effect for that purpose.

16 SECTION 14. This Act takes effect September 1, 2009.