

**CHAPTER 4 BUSINESS & COMMERCE****ARTICLE 4.500 SIGN REGULATIONS****ARTICLE 4.500 SIGN REGULATIONS****Sec. 4.501 Purpose**

The purpose of this article is to establish reasonable regulations for the design, construction, installation and maintenance of all exterior signs in the city and/or its extraterritorial jurisdiction, in order to:

- (1) Balance the right of individuals to identify their businesses and convey their messages and the right of the public to be protected against the unrestricted proliferation of signs;
- (2) Protect the public health, safety and welfare;
- (3) Reduce traffic hazards;
- (4) Facilitate the creation of an attractive and harmonious community;
- (5) Protect property values;
- (6) Promote economic development; and
- (7) Preserve the right of free speech exercised through the use of signs.

**ARTICLE 4.500 SIGN REGULATIONS****Sec. 4.502 Definitions**

As used in this article unless the context otherwise indicates:

*Changeable Electronic Variable Message Sign (CEVMS)*. A sign which permits light 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 illumination is not kept stationary or constant in intensity or color at all times when such sign is in use, including an LED (light emitting diode) or digital sign and which varies in intensity or color. A CEVMS sign does not include a sign located within the right-of-way that functions as a traffic-control device and that is described and identified in the Manual on Uniform Traffic-Control Devices (MUTCD) approved by the Federal Highway Administrator as the National Standard.

*Electronic Message Display*. A sign capable of displaying words, symbols, figures, or images that can be electronically or mechanically changed by remote or automatic means, including time and temperature signs.

*Erect*. To build, construct, attach, hang, place, suspend, modify, alter, reconstruct, or affix a sign.

*Extraterritorial Jurisdiction (ETJ)*. The area surrounding the city as defined by Chapter 42 of the Texas Local Government Code.

*Facing or Surface*. The surface of the sign upon, against, or through which the message is displayed or illustrated on the sign.

*Flashing Sign*. A sign which contains an intermittent or sequential flashing light source used primarily to attract attention.

*Permittee*. A person receiving an erection permit pursuant to the provisions of this article.

*Person*. Any person, firm, partnership, association, corporation, company or organization of any kind.

*Sign*. Any writing, pictorial representation, illustration, emblem, symbol, design or other figure of similar character which is a structure or a part thereof, or is attached to or in any manner represented on a building or other structure, or is a balloon or a part of a balloon, and is placed outdoors in view of the general public and is used for purposes of advertisement, announcement, declaration, demonstration, display, identification or expression.

*Sign Code Application Area*. The corporate limits of the city and the area of its extraterritorial jurisdiction as defined by Chapter 42 of the Texas Local Government Code.

*Temporary Sign*. Any sign, banner, pennant or other display constructed of cloth, canvas, light fabric, cardboard, wall board or other light materials, with or without frames, intended to be displayed for a limited period of time, not to exceed ninety (90) days.

## ARTICLE 4.500 SIGN REGULATIONS

### **Sec. 4.503 Permit Required**

Except as provided in this article it shall be unlawful for any person to erect, relocate or structurally alter, within the city and/or its ETJ, any sign or other advertising structure as defined in this article, without first obtaining an erecting permit from the city secretary, and making payment of the fee required herein. No permit is required for repair, repainting, or maintenance which does not entail structural change or for change of copy of message.

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### **Sec. 4.504 Application for Permit**

Applications for an erection permit shall be made upon a form provided by the city secretary and shall contain and have attached the following information:

- (1) Name, address and telephone number of the applicant.
- (2) Location of building, structure, or lot to which or upon which the sign or other advertising structure is to be attached or erected.

- (3) Position of the sign or other advertising structure in relation to nearby buildings or structures.
- (4) A blueprint or ink drawing of the plans and specifications and method of construction and attachment to the building or in the ground.
- (5) A copy of stress sheets and calculations showing that the structure is reasonably designed to meet the wind pressure and load weight of the sign and meet all requirements of applicable laws.
- (6) A blueprint or ink drawing of the wording and design on the finished sign including type of display (painted, replaceable lettering, CEVMS, etc.) and lighting.
- (7) Name of the person erecting the structure.
- (8) Written consent of the owner of the building, structure, or land to which or on which the structure is to be erected.
- (9) Insurance policy or bond as required by this article.

## ARTICLE 4.500 SIGN REGULATIONS

### **Sec. 4.505 Permit Issuance**

Upon the filing of an application for an erection permit, the city secretary shall:

- (1) Examine the plans and specifications and the premises upon which the proposed structure shall be erected, within ten (10) working days after the completed application is filed.
- (2) Return the sign application to the applicant within ten (10) working days if the application is incomplete. The city secretary shall identify the specific items that were omitted from the sign permit application.
- (3) Issue a permit, within ten (10) working days after the completed application has been examined as provided above, if the proposed structure complies with the requirements of this article and all other laws and ordinances of the city. If the work authorized under an erection permit is not completed within six (6) months after the date of issuance, the permit shall become null and void.
- (4) Deny the permit within ten (10) working days if the proposed sign does not meet the requirements of this article. The city secretary shall notify the applicant of the reasons for noncompliance with the ordinance requirements. Any notice to the applicant shall be provided to the applicant's mailing address listed in the application and deposited in regular first class U.S. Mail.

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**Sec. 4.506 Permit Fee**

Every applicant, prior to issuance of permit shall pay to the city secretary a nonrefundable fee as required for a permit to erect a sign.

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**Sec. 4.507 Variances**

Within thirty (30) calendar days after denial of a sign permit by the city secretary, a request for variance may be filed with the city secretary for consideration by the city council. The city council may grant a variance if it finds that the unusual shape or topography of the property in question prevents the sign from being permitted otherwise under this article. The city council shall consider a request for a variance within thirty (30) calendar days after the city secretary receives the written request. The city council shall notify the applicant in writing within thirty (30) calendar days after consideration of the request for a variance.

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**Sec. 4.508 Bond or Insurance Requirement**

Every applicant for a sign permit shall, before the permit is granted, file with the city secretary a continuing bond or a liability insurance policy issued by an insurance company subject to approval by the city secretary, which shall save harmless the city from any and all damages, judgments, costs or expenses which the city may incur or suffer by reason of the granting of the permit in the amount of \$10,000.00.

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**Sec. 4.509 Revocation of Permit**

The city secretary may revoke any permit where there has been a violation of the provision of this article, a misrepresentation of fact on the permit application, or the sign becomes a safety hazard of any type.

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**Sec. 4.510 Exemptions**

The following signs, which are solely dedicated to these purposes, are exempt from the permit and scenic corridor requirements of this article:

- (1) Temporary real estate signs.
- (2) Temporary political signs.

- (3) Temporary garage or yard sale signs.
- (4) Signs attached to the inside of a window.
- (5) Signs which are an integral part of the historic character of a building.
- (6) Signs authorized or erected by a governmental entity.
- (7) Noncommercial flags not exceeding forty (40) square feet in area.
- (8) Temporary signs in conjunction with special events such as church or civic events.
- (9) Temporary signs, displays or decorations customarily associated with holidays or celebrations.
- (10) Handheld signs.
- (11) Business and commercial building occupational signs which advertise a business, product, service, or activity conducted, sold or offered on the premises on which the sign is located, provided the sign does not exceed twenty (20) feet above the level of the street upon which the sign faces, or above the adjoining ground level, whichever is lower, and does not exceed one hundred twenty-eight (128) square feet in area.
- (12) Memorial or commemorative plaques.
- (13) Property identification signs indicating address, residence or use.

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### **Sec. 4.511 Signs**

A permit to erect a sign shall be granted if the sign to be erected:

- (1) Does not exceed twenty (20) feet above the level of the street upon which the sign faces, or above the adjoining ground level, whichever is lower, and shall not exceed one hundred twenty-eight (128) square feet in area. This applies to both erected signs and signs on buildings.
- (2) Is set back at least ten (10) feet from the property line of the property on which the sign is erected.
- (3) Is a distance of 1,000 feet or more from any other sign.
- (4) Complies with the city's building code provisions applicable to wind and stress loads and the city's electrical code provisions applicable to electrical wiring and connections, as well as permitting requirements if applicable.
- (5) Does not conflict with Section 4.515.

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**Sec. 4.512 Scenic Corridors**

(a) The purpose of establishing scenic corridors within the corporate limits and/or ETJ of the city is to provide a scenic gateway to the city and to enhance the surrounding historic, cultural and aesthetic assets of the community. The city council finds that scenic corridors established herein enhances the aesthetic appearance of historic areas of the city, and thereby provides motorists, pedestrians and visitors with rewarding viewing opportunities, reducing visual clutter and limiting distractions along the roadways. The following corridors are recognized as primary entryways into the city. They provide a direct link to historic landmarks and primary access to major tourist attractions.

(b) State Highway 77 and State Highway 90A within the city limits and/or ETJ of the city are hereby established as scenic corridors. It shall be unlawful to erect a sign along a designated scenic corridor, unless exempted under Section 4.510.

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**Sec. 4.513 Dating and Removing Temporary Signs**

The person that erects the temporary sign has the responsibility of removing the temporary sign. Any temporary sign must bear on its face, in legible writing, the date the sign was placed in public view.

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**Sec. 4.514 Enforcement and Penalties**

Subsequent to the effective date of this article, no new erection permit shall be issued by the city secretary for signs within the city and/or its ETJ unless the sign to be erected complies with this article. Any person violating any of the provisions of this article shall be deemed guilty of a misdemeanor and upon conviction thereof shall be subject to a fine in accordance with the general penalty provision found in Section 1.106 of this code and each day such violation is committed shall constitute a separate offense.

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**Sec. 4.515 Prohibited Signs**

Any sign not specifically authorized by this article is prohibited in the sign code application area unless allowed by law. The following signs and conditions are prohibited:

- (1) Signs having: flashing copy or lights; revolving beacon lights; chasing, blinking, scrolling, or stroboscopic lights; or, fluttering, undulating, swinging, or otherwise moving parts. For purposes of this article a changeable electronic variable message sign or electronic message display sign is not considered a flashing sign unless it directly falls under the

definition of “flashing” as defined in this article.

- (2) Any sign which emits audible sound, odor, smoke, steam, laser or hologram lights, or other visible matter, including any sign that employs any stereopticon, or motion picture projection.
- (3) Any sign where the message has a display time of less than ten (10) seconds.
- (4) Any sign that displays pictures, gestures or words which are obscene as defined in section 43.21 of the Texas Penal Code, as amended.

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**Sec. 4.516 Previously Erected Signs**

This article will not apply to any sign that is fully and completely erected and constructed on the date this article is adopted, nor does it apply to the repair, repainting, or maintenance of a sign.

(Ordinance adopted 5/19/08)