

MODEL SIGN ORDINANCE¹
TEXAS

Ensure that as part of your sign ordinance revision process that the City incorporates safety, traffic, and aesthetics studies or otherwise makes determinations of governmental purpose, and how your ordinance revisions are narrowly tailored to those purposes. Each City must create its own preamble with “Whereas” clauses that should include each City’s studies and purposes.

ARTICLE __. - SIGNS

DIVISION 1 — GENERAL PROVISIONS

Section 1: Findings, Purpose and Intent, and Interpretation.

- (a) Signs obstruct views, distract motorists, displace alternative uses for land, and pose other problems that legitimately call for regulation. The purpose of this ordinance is to regulate the size, illumination, movement, materials, location, height, and condition of all signs placed on private property for exterior observation, thus ensuring the protection of property values, the preservation of the character of the various neighborhoods, the creation of an attractive and harmonious community, and protection against interference with the historic character of designated areas, including the downtown district. This ordinance allows adequate communication through signage while encouraging aesthetic quality in the design, location, size, and purpose of all signs. This ordinance shall not be interpreted in a manner inconsistent with the United States Constitution First Amendment guarantee of free speech. If any provision of this ordinance is found by a court of competent jurisdiction to be invalid, such finding shall not affect the validity of other provisions of this ordinance that can be given effect without the invalid provision.
- (b) Signs not expressly permitted as being allowed by right or by permit under this ordinance, by specific requirements in another portion of this Ordinance, by master sign plan or agreement, or otherwise expressly allowed by the City Council or Board of Adjustment are not allowed within the City Limits or the Extraterritorial Jurisdiction.
- (c) These sign regulations are intended to: (1) promote compatibility with the use of the property to which the signs are appurtenant; (2) promote compatibility with the landscape and architecture of surrounding buildings; (3) be appropriate to the activity to which they pertain; (4) ensure that signs are not distracting to motorists; and (5) ensure that all signs are constructed and maintained in a structurally sound, safe, and attractive condition.
- (d) These regulations do not regulate every form and instance of visual communication that may be displayed anywhere within the City Limits or Extraterritorial Jurisdiction of the City. Rather, they are intended to regulate those forms and instances that are most likely to meaningfully affect one or more of the purposes set forth above.

¹ This ordinance is based on the IMLA Model Sign Ordinance, signs ordinances from various Texas cities, and on federal and state cases and laws from the past thirty years.

(e) These regulations do not entirely eliminate all of the harms that may be created by the installation and display of signs. Rather, they strike an appropriate balance that preserves ample channels of communication by means of visual display while still reducing and mitigating the extent of the harms caused by signs.

Section 2: Sign Code.

This chapter shall be known as the “Sign Code.”

Section 3: Geographic Scope and Applicability.

This Ordinance applies to all property within the incorporated municipal boundaries (i.e., City Limits) and the Extraterritorial Jurisdiction (ETJ) as they exist at the time this Ordinance is adopted and as may be modified in the future.

Section 4: Definitions.

Sign. A structure, sign, display, light device, figure, painting, drawing, message, plaque, poster, billboard, or other object that is designed, intended, or used that includes text or images designed to communicate. Signs located completely within an enclosed building and not exposed to view from a street shall not be considered a sign. Each display surface of a sign or sign face must be considered to be a sign.

Sign Area. The space enclosed within the extreme edges of the sign for each sign face, not including the supporting structure or where attached directly to a building wall or surface, the space within the outline enclosing all the characters of the words, numbers, or design.

Sign Administrator. The officer appointed by the city manager with the authority to enforce this Ordinance. The City Manager or designee shall review sign regulations and applications. In the absence of designation by the city manager, the city manager shall serve as the sign administrator. The term also includes any person designated to act on behalf of the sign administrator.

Sign face. The entire display surface area of a sign upon, against, or through which copy is placed.

Applicant. The person or entity requesting sign permit approval, a variance, or a master sign plan from the City. All applicants must provide sufficient proof, to be determined by the sign administrator, showing a real property ownership interest in the property on which the sign will be located or sufficient proof of authorization from the real property owner for sign placement on the property.

Billboard. A sign that is freestanding, attached to or part of a building, and is an off-premises sign that is designed for a change in copy, so that the characters, letters, display, or illustrations can be changed or rearranged within a fixed sign face.

Commented [LM1]: Law: *Reed v Town of Gilbert*. Each City must ensure all of its definitions, including the definition of Sign, does not require reading of the Sign except to determine whether it is commercial or non-commercial.

Commented [LM2]: Note: This should be the person at the City who runs the day-to-day operations. The authority can then designate the person they would like to be in charge of signs. This can be a city planner, deputy city manager, code enforcement officer, or whoever seems appropriate. .

Commented [LM3]: Note: See definition for Off-premise sign below.

Building. A building means any structure built for the support, shelter and enclosure of persons, animals, goods, or movable property of any kind. When subdivided in a manner sufficient to prevent the spread of fire, each portion so subdivided may be deemed a separate building.

Commission. The planning and zoning commission of the City.

Dilapidation. Dilapidation includes any sign where elements of the sign area or background have portions of the finished material missing, broken, or illegible; where the structural support is visibly bent, broken, dented, rusted, corroded, or loose; or where the sign or its elements are not in compliance with the adopted electrical code and/or the building code.

Downtown District. Central business district in the City designated as the Downtown District by Ordinance and in the Zoning [Map](#).

Electronic Sign. Any sign for which the text, letters, numbers, pictures, or symbols forming the informational portion of the sign consists of flashing, intermittent, or moving lights, including any LED screen or any other type of video display. This definition does not include signs that have internal or indirect illumination that is kept stationary or constant in intensity and color at all times when such sign is in use or any government sign located within the right-of-way that functions as a traffic-control device and that is described and identified in the Texas Manual on Uniform Traffic-Control Devices.

ETJ. Extraterritorial Jurisdiction of the City as created and authorized under Chapter 42 of the Texas Local Government Code.

Façade. The principal face of a building, including parapet walls and omitted wall lines, or any part of a building which encloses or covers usable space. Where separate faces are oriented in the same direction, or in directions within 45 degrees of one another, they are to be considered as part of a single façade.

Government Sign. A government sign is a sign that is constructed, placed, or maintained by the federal, state, or local government or a sign that is required to be constructed, placed, or maintained by the federal, state, or local government either directly or to enforce a property owner’s rights.

Indirect Illumination. A light source not seen directly. The term includes a source of illumination which is not a part of the sign or the sign structure that provides light for the sole purpose of making the sign visible when natural light is not sufficient.

Inflatable Sign. An inflatable device, with or without a message, figure, or design attached to its surface designed to attract attention.

Logo. Graphic symbols used to represent or identify a commercial, institutional, or non-profit entity or organization.

Commented [LM4]: Best Practice: An example of how districts can be treated differently. Some areas of the City may warrant stricter sign requirements.

Commented [LM5]: Note: Regulating government speech differently from other types is still a gray area. However, using government signs is one way to require address signs without worrying about having a content-based exception.

Major Thoroughfare. Any public right-of-way designated as a major thoroughfare by the ordinance of the City, as amended.

Marquee Sign. A canopy or covering structure bearing a signboard or copy projecting from and attached to a building.

Monument Sign. A sign permanently affixed to the ground at its base, supported entirely by a base structure, and not mounted to a pole or part of a building. Pole(s) may be used to construct a monument sign so long as the poles are not visible below the sign.

Off-premise Sign. Any commercial sign that advertises a business, person, activity, goods, products, or services not located on the property where the sign is installed, or that directs persons to a location other than the property where the sign is located.

Pole Sign. A sign that is permanently supported in a fixed location by a structure of poles, posts, stakes, uprights, or braces from the ground and is not supported by a building, fence, vehicle, base structure, or other support.

Portable Sign. Any sign without a permanent foundation, or otherwise permanently attached to a fixed location, that can be carried, towed, hauled, or driven and is primarily designed to be moved rather than be limited to a fixed location regardless of modifications that limit its movability.

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

Property Owner. The owner of the property on which a sign is located. A lessor may have the same rights and authority as the Property Owner if given such authority through written agreement with the Property Owner.

Residential Development. A residential building project that includes multiple residences, also referred to as a neighborhood or subdivision.

Responsible Party. The owner/operator of the business being identified on the sign; the owner of the property upon which the sign or sign structure is located; the owner of the sign or sign structure; the person who installs a sign or sign structure, or contracts with a third party to accomplish the installation; and/or the person who retrieves a sign from the impound.

Right-of-way. The area on, below, or above a public road, highway, street, public sidewalk, alley, waterway, or utility easement in which a governmental entity has an interest.

Temporary. A banner, pennant, poster, or advertising display constructed of paper, cloth, canvas, plastic sheet, cardboard, wallboard, plywood, or other like materials and that appears to be intended or is determined by the code official to be displayed for a limited period of time.

Commented [LM6]: Law: Commercial is intermediate scrutiny under *Contest Promotions, LLC v. City & Cty. of S.F.*, No. 17-15909.13,14 (9th Cir. Aug. 16, 2017); *Central Hudson Gas & Elec. Corp. v. Pub. Serv. Comm'n*, 447 U.S. 566, 606 (1980).

Commented [LM7]: Best Practice: Figure out who has the authority to request a sign permit and who will be given a citation if a sign regulation is violated.

Vehicle Sign. Any sign attached to or displayed on a vehicle.

Wall sign. A sign painted on or otherwise made an integral part of a wall. Typically a wall sign is on the same plane as the wall (i.e. flush with the wall surface). The term does not include a sign that can be removed from the wall and remain substantially intact (e.g., banners or projecting signs as they are defined in this Ordinance).

Section 5: Prohibited Signs.

(a) All Signs are prohibited in the city and the extra territorial jurisdiction unless:

- (1) Constructed, maintained, structurally altered, or improved pursuant to a valid permit when required under this Ordinance; and
- (2) Expressly authorized under this Ordinance.

Signs which cannot be expressly authorized include:

- (1) Signs are prohibited to be located in or projected over any public right-of-way or across the public right-of-way line extended across a railroad right-of-way, except when attached to and projecting no more than 18 inches from a building wall legally located at or near the right-of-way line in the City Limits or in the Extraterritorial Jurisdiction or are an authorized marquee sign attached to a building.
- (2) Portable Signs.
- (3) Electronic Signs.
- (4) Off-Premise sign (including billboards) containing commercial advertising of goods or services.
- (5) Signs with lights that blink, fluctuate, or move. Light rays must shine only upon the sign and upon the property within the premises.
- (6) Signs on bus benches.
- (7) Signs of a size, location, movement, coloring, or manner of illumination which may be confused with or construed as a traffic control device or which hide from view any traffic or street sign or signal.
- (8) Signs that are taller than 42.5 feet.
- (9) Signs that are attached to any utility pole or wire, traffic sign, or City easement or are placed on City-owned property unless placed by written permission of the City.
- (10) Signs that obstruct any fire escape, required exit, window, or door opening intended as a means of egress.
- (11) Feather Banners.
- (12) Handheld signs with a commercial message.
- (13) Balloon Signs.
- (14) Inflatable Signs.

Section 6: Authorized Signs.

The following signs authorized under this Section are authorized in every District without a permit:

Commented [LM8]: Decision: One example of a policy decision each City must make is whether to allow electronic signs, regulate them, or prohibit them. Any city can regulate electronic signs in City Limits or in the ETJ. 43 TAC § 21.253.

Commented [LM9]: Law: While we have to read the sign to know it is off-premise, the State of Texas and the Ninth Circuit agree that regulation of commercial signs, including an on-premise versus off-premise distinction is permissible. *Contest Promotions, LLC v. City & Cty. of S.F.*, No. 17-15909,13,14 (9th Cir. Aug. 16, 2017); Tex. S.B. 2006 (85th Leg. R.S.) <http://www.capitol.state.tx.us/tlodocs/85R/billtext/html/SB02006F.htm>

Commented [LM10]: Note: Sign height maximum recently was changed by the Texas Legislature. S.B. 312 (85th Leg., R.S.) (the TxDOT Sunset Bill).

- (a) Government Signs.
- (b) Traffic Control Devices that are erected and maintained to comply with the Texas Manual on Uniform Traffic Control Devices.
- (c) Signs required by this Ordinance.
- (d) Signs required by other law, including federal, state, or local law, including a sign that a property owner is required to post on the owner’s property to warn of a danger or to prohibit access to the property either generally or specifically; the owner must comply with the federal, state, or local law to post a sign on the property.
- (e) Official governmental notices and notices posted by governmental officers in the performance of their duties, governmental signs to control traffic, or for other regulatory purposes such as neighborhood crime watch areas, to identify streets, or to warn of danger.
- (f) Signs displayed on trucks, buses, trailers, or other vehicles that are less than thirty-two (32) square feet and are being operated as motor vehicles, provided that the primary purpose of the vehicles is not for display of signs and provided that they are parked in areas appropriate to their use as vehicles, are in operable condition, and carry a current and valid license plate and state inspection tag. Vehicle signs shall conform to the following restrictions:
 - (1) Vehicular signs shall contain no flashing or moving elements;
 - (2) Vehicular signs shall not be attached to a vehicle so that the driver's vision is obstructed from any angle;
 - (3) Signs, lights and signals used by authorized emergency vehicles shall not be restricted
- (g) Vending machine signs where the sign face is not larger than the normal dimensions of the machine to which the sign is attached.

Commented [LM11]: Law: *Lone Star Security and Video v. Los Angeles*, No. 14-55014 (9th Cir. July 7, 2016) allows for mobile billboard signs. A city could choose to regulate commercial mobile billboards more strictly.

Section 7: Lessors.

For purposes of this Ordinance, the lessor of a property is considered the property owner as to the property if the lessor holds a right to use that exclusive of others (or the sole right to occupy). If there are multiple lessors of a property, then each lessor must have the same rights and duties as the property owner as to the property the lessor leases and that the lessor has the sole right to occupy, and the size of the property must be deemed to be the property that the lessor has the sole right to occupy under the lease. Written authorization from property owner to place signage onsite may be required.

Section 8: Permit required.

- (a) A sign permit is required prior to the display and erection of any sign except as otherwise provided in this Ordinance.
- (b) Creation of Site. For all signs, the Sign Administrator shall not issue a sign permit for construction, erection, placement, or maintenance of a new or existing sign until a site is established under the requirements of Section of the zoning ordinance of the City.

Commented [LM12]: Decision: This ordinance assumes the city has zoning, but this ordinance could be modified for a city without a zoning ordinance.

Section 9: Sign Permits Not Required.

Signs which do not require a permit include:

- (a) Signs described in Section 6 with a total area of up to thirty-two (32) square feet and a maximum

height of eight (8) feet.

- (b) Official notices or advertisements posted or displayed by or under the direction of any public or court officer in the performance of official or directed duties, provided, that all such signs must be removed no more than ten (10) days after their purpose has been accomplished.
- (c) Any sign wholly within the confines of a building and oriented so as to be out of view from outside the building.
- (d) One sign per entrance door in a non-residential district which shall be limited to two (2) square feet in size and located within five (5) square feet of the entrance door.
- (e) Signs located within the grounds of public facilities such as baseball fields, stadiums, community centers, and other public facilities placed by a governmental entity.
- (f) Any sign not expressly requiring a permit under this Ordinance.

Section 10: Design Review Guidelines.

Before a permit may be issued by the Sign Administrator, all signs must meet the following design review guidelines.

- (a) Harmonious with City scale. Sign location, configuration, design, materials, and colors should be harmonious with the City setting.
- (b) Materials. Sign materials shall be predominantly [whatever is the desired look of the City and complies with the specific district and comprehensive plan]. Other materials may be substituted when, in the opinion of the Sign Administrator, they meet the design criteria of the City.
- (c) Architectural harmony. The sign and its supporting structure shall be in architectural harmony with the surrounding structures.
- (d) Colors. _____.
- (e) Reflective surfaces. Glare-producing surfaces on signs are not allowed.
- (f) Lighting. All lighting of signs shall be indirect lighting as defined herein. All floodlights shall be shielded. No sign shall be illuminated, in whole or in part, where the illumination is intermittent or varies in color or intensity from time to time or appears to be emergency lighting similar to public safety vehicles. The use of searchlights is prohibited. Changeable electronic variable message signs (CEVMS), electronic signs, and light emitting diode (LED) signs are prohibited.
- (g) Moving parts. No sign shall contain any moving parts.
- (h) Commercial logo/logograms. Graphic symbols, used to represent or identify a commercial entity or organizations, are permitted to be displayed on signs only under the following conditions:
 - (1) The design and materials comprising the logo shall be consistent with the guidelines in this section;
 - (2) Logos shall be permitted only on commercial sign categories in nonresidential districts.

Section 11: Applicability of Other Codes Not in Conflict.

All signs erected or maintained pursuant to the provisions of this division shall be erected and maintained in compliance with all applicable state laws and with the building code, electrical code, property maintenance code, downtown revitalization plan, comprehensive plan, and other applicable ordinances of the City. In the event of conflict between this division and other laws, the most restrictive standard applies.

Commented [Im13]: Best Practice: Example of review guidelines. These will be especially important in a downtown or historic district. A City's Comprehensive Plan may determine this.

Commented [LM14]: Decision: Another requirement to adopt, when appropriate, is landscaping regulations. These type of regulations are most appropriate around larger monument signs.

DIVISION 2 — SPECIFIC SIGN REGULATIONS BY DISTRICT

Section 12: Residential Districts.

Residential Districts include property zoned as Single-Family by the City’s Zoning Code [Insert Code Article or Chapter]. No sign shall be permitted or allowed in a Residential District unless it meets the following standards:

- (a) General Regulations. When a sign is authorized on a property, the sign must not exceed four (4) square feet in area unless otherwise authorized by code or variance for a larger sign.
- (b) Residential Developments. For Residential Developments (including subdivision identification) the sign shall be a monument sign. The sign shall be located at least thirty (30) feet from the right-of-way and may be indirectly lighted. The maximum size and number of signs that the owner or owners of the residential development may erect and maintain at the entrances to the development shall be controlled according to the following:
 - (1) Residential developments four (4) acres or less in area may have a monument sign or signs with a total area of no more than twenty-four (24) square feet at each entrance onto a major thoroughfare.
 - (2) Residential developments over four (4) acres but less than forty (40) acres in area may have a monument sign or signs which have a total area of no more than thirty-six (36) square feet at each entrance onto a major thoroughfare.
 - (3) Residential developments of forty (40) acres or more in area may have a monument sign or signs with a total area of no more than sixty-four (64) square feet onto a major thoroughfare.
 - (4) Before a Residential Development Sign may be installed under this section, the sign permit application shall be reviewed by the Sign Administrator for completeness and compliance with state and city codes.
 - (5) When a subdivision has been released for construction, one sign per subdivision entrance which shall not exceed one hundred (100) square feet in area or twelve (12) feet in overall height may be placed at each subdivision entrance subsequent to applying and receiving a sign permit. A sign under this section may be a pole sign or a monument sign. A sign permitted under this subsection must be removed when development of lots and buildings have ceased. The Property Owner or other Responsible Party shall be responsible for the maintenance, removal, and compliance requirements of such signs. If a subdivision owner wishes to place model home, selling point, or other temporary signs to advertise the lots within the subdivision, application for a master sign plan is encouraged in lieu of submission of multiple requests for variances.
- (c) Signs on individual lots.
 - (1) **Flags.** Flags are authorized to be placed on residential property without a permit, including two flags with noncommercial messages and one flag pole per premises shall be allowed on each lot. Each flag shall be a maximum of fifteen (15) square feet in area. The flag pole must be a maximum of (25) feet in height or no higher than the highest point of the principal building's roof, whichever is lower. Flag poles must meet the minimum yard setback requirements for a principal building.

Commented [LM15]: Decision: Regulation of commercial signs-home selling signs. If the city is going to regulate commercial differently than noncommercial signs, then this type of regulation is allowable.

Commented [LM16]: Note: *Reed v. Town of Gilbert* and related jurisprudence prohibit a city from only allowing the American and Texas flag on private property. For an analysis of commercial versus noncommercial messages, see above.

- (2) Other Signs. Signs, including a pole sign, wall sign, or monument sign (unless specifically designated otherwise by this Ordinance), allowed at any time on any property without a permit:
- (A) A property owner may place one sign with a sign face no larger than two (2) square feet on the property at any time.
 - (B) A property owner may place a sign no larger than 8.5 inches by 11 inches in one window on the property at any time.
 - (C) One additional temporary sign that may be up to nine square (9) feet in size may be located on the owner's property for a period of ninety (90) days prior to an election involving candidates for a federal, state, or local office that represent the district in which the property is located or involving an issue on the ballot of an election within the district where the property is located per issue and per candidate. Any sign covered by this subsection may remain on the property up to seven (7) days after the election at issue. This section does not limit the content on the additional temporary sign.
 - (D) A person having a legal home occupation may display one additional sign on the face of the building or porch. The sign shall be attached directly to, and parallel to, the face of the building or porch. The sign shall not exceed four (4) square feet in sign area, shall not be illuminated in any way, and shall not project more than six (6) inches beyond the building or porch. No permit is required.
 - (E) One additional temporary sign, not exceeding six (6) square feet in sign area, may be located on a property without a permit when the owner consents to the placement of the sign and that property is for sale or lease or if an individual unit or units is for sale or lease. A sign posted under this section must be removed within ten (10) days following when a contract of sale has been executed or a rental agreement has been executed. This subsection does not affect the content of the sign allowed under this subsection.
- (3) General Regulations for Signs on Individual Lots:
- (A) No sign may be placed on a residential lot without the consent of the Property Owner or a Lessor who has been given authority to place a sign on the property by written agreement of the Property Owner.
 - (B) Other than those signs specifically authorized under this Section, a sign under this Section shall not be illuminated, electronic, digital, or contain moving elements. If lighting is allowed, no uplighting is allowed and all lighting must be shielded.
 - (C) Unless otherwise specified in this Section, permitted signs may be placed anywhere on the premises except in a required side yard within the street or utility right-of-way, or within any other form of public easement.
 - (D) Height. The following maximum heights shall apply to signs on individual lots in a residential district:
 - (1) Unless otherwise specified in this Section, if ground-mounted, the top must not be over four (4) feet above the ground; and
 - (2) If building mounted, the sign must be flush mounted and must not project above the roof line.
 - (E) Each residential lot or unit shall display an address sign. The letters, numbers, and symbols that make up a residential address sign must be a minimum of three (3) inches in height and shall not be larger than eight (8) inches in height.

Commented [LM17]: Law: *City of Ladue v. Gilleo*, 512 U.S. 43, 58 (1994).

Commented [LM18]: Decision: Content neutral on its face but a court could still strike this down because the intent is obvious. However, the specific content neutral limitation should help with this possible issue. Another solution is just to allow residential owners to have one sign of this type at any time and they will just have to change it out based on what they want to say.

Commented [LM19]: Decision: The IMLA Model Sign Code has provisions basically allowing holiday displays at certain times of year. The provision allows for additional total signage in December. Many cities may want to consider whether such a provision would be right for the City.

Commented [LM20]: Note: Excepting address signs from permits would violate *Reed v. Town of Gilbert*, requiring the is one solution.

- (d) Properties in the ETJ that are appraised as residential and that contain single family units shall comply with this section.

Commented [LM21]: Note: No zoning in the ETJ, but a city may have sign regulations.

Section 13: Multifamily Residential District (MF).

No sign shall be permitted or allowed in a Multifamily Residential District unless it meets the following standards:

(a) Types of Signs Allowed with a Permit:

(1) Multifamily Residential Complex Sign. The sign shall be located at least thirty (30) feet from the right-of-way and may be indirectly lighted. The maximum size and number of signs that the owner or owners of the residential development may erect and maintain at the entrances to the development shall be controlled according to the following:

(A) Multifamily Residential Complexes with twenty units or less in area may have a monument sign or signs with a total area of no more than twenty-four (24) square feet at each entrance to the Complex.

(B) Multifamily Residential Complexes with over twenty units may have a monument sign or signs which have a total area of no more than thirty-six (36) square feet at each entrance to the Complex.

(C) Before a Residential Complex Sign may be installed under this section, the sign permit application shall be reviewed by the planning and zoning commission and must be approved by the commission. Prior to review by the planning and zoning commission, the Sign Administrator shall review the permit application for completeness and compliance with state and City codes.

(2) Identification Sign. There may be one (1) sign no larger than fifteen (15) square feet in sign area identifying the complex and placed flush on the wall near the office entrance or, as an alternative, one (1) hanging sign or one (1) ground sign containing no more than six (6) square feet in sign area may be erected.

(b) Types of Signs Allowed without a Permit:

One temporary sign, including a pole sign, wall sign, or monument sign, may be located on a property without a permit when the owner consents to the placement of the sign and that entire property is for sale or lease or if an individual unit or units is for sale or lease. This subsection does not affect the content of the sign allowed under this subsection.

(1) Entire Property: One additional sign, not exceeding one hundred (100) square feet in sign area, while the entire property or property is for sale or lease. A sign posted under this section must be removed within ten (10) days following when a contract of sale has been executed or a rental agreement has been executed. This sign shall be placed at least thirty (30) feet from any public right of way.

(2) Individual Unit(s): One additional sign, not exceeding nine (9) square feet in sign area, where an individual unit or units is being offered for sale or lease. A sign posted under this section must be removed within ten (10) days following when a contract of sale has been executed or a rental agreement has been executed. This sign shall be placed at least thirty (30) feet from any public right of way.

(c) Individual lessees or owners of units within Multi-Family Housing may also display any sign allowed in a Residential District, so long as:

- (1) sign is allowed by owner of Multi-Family Housing if property is owned separately; and
- (2) sign is displayed within the area owned or leased by individual.
- (d) Properties in the ETJ that are appraised as residential and that contain multi-family units, including a building or portion thereof which is designed, built, rented, leased, or let to be occupied as three (3) or more dwelling units or apartments or which is occupied as a home or residence of three or more families must comply with this section.

Section 14: Manufactured Home District (MH).

No sign shall be permitted or allowed in a Manufactured Home District unless it meets the following standards:

- (a) Types of Signs Allowed with a Permit:
One monument sign, wall sign, or projecting sign not more than thirty-six (36) square feet in sign area may be erected on the property of the manufactured home park at each entrance to a major thoroughfare and may be indirectly lighted. The setback shall be a minimum of thirty (30) feet from public right of way. Sign placement must comply with any additional setback that may be prescribed by the Sign Administrator when there is a potential safety issue. This sign requires a permit. This sign shall be placed at least thirty (30) feet from any public right of way.
- (b) Types of Signs Allowed without a Permit:
One additional temporary sign may be located on a property without a permit when the owner consents to the placement of the sign and that entire property is for sale or lease or if an individual unit or units is for sale or lease. This subsection does not affect the content of the sign allowed under this subsection.
 - (1) Entire Property: One additional sign may be permitted if it does not exceed one hundred (100) square feet in sign area, while the entire property is for sale or lease. A sign posted under this section must be removed within ten (10) days following when a contract of sale has been executed or a rental agreement has been executed. This sign shall be placed at least thirty (30) feet from any public right of way.
 - (2) Individual Unit(s): One additional sign may be permitted if it does not exceeding nine (9) square feet in sign area, where an individual unit or units is being offered for sale or lease. A sign posted under this section must be removed within ten (10) days following when a contract of sale has been executed or a rental agreement has been executed. This sign shall be placed at least thirty (30) feet from any public right of way.
- (c) Individual lessees or owners of Manufactured Homes within a Manufactured Home park may also display any sign allowed in a Residential District, so long as:
 - (1) Sign is allowed by owner of Manufactured Home Park if the property is owned separately.
 - (2) Sign is displayed within the area owned or leased by an individual.
- (d) Properties in the ETJ that are appraised by the county appraisal district as residential and that contain a unified development of manufactured home sites, plots, or stands as arranged on a large tract under single ownership and designed to accommodate manufactured homes for a long-term duration must comply with this section.

Section 15: Commercial District

No signs shall be permitted or allowed in a Commercial District unless they meet the following standards.

(a) Types of Signs Allowed with a Permit:

- (1) Wall, Canopy, Marquee, or Projecting Signs. Wall, Canopy, Marquee, and Projecting Signs may be erected. The total sign area for all signs on each lot shall not exceed sixty-four (64) square feet. Sign area allotment is computed by adding the sign area of all signs allowed by this subsection on the lot. Projecting signs shall project no more than two (2) feet perpendicular from the wall and not more than three (3) feet vertically above the wall of the building. Each sign under this section requires a sign permit. Each sign shall be placed at least thirty (30) feet from any public right of way.
- (2) Monument Signs. One (1) non-attached sign per lot may be erected. No sign under this section shall exceed one hundred (100) square feet in sign area and shall not exceed thirty-five (35) feet in height. The setback shall be a minimum of thirty (30) feet from property lines. Sign placement must comply with any additional setback that may be prescribed by the Sign Administrator when there is a potential safety issue. A permit is required for this sign.
- (3) Gasoline Pump Islands. For a property that contains a gasoline pump island, the owner may exhibit one (1) logo sign not exceeding thirty-two (32) square feet in sign area and one (1) price sign per gasoline pump island not exceeding forty (40) square feet in sign area. The signage under this subsection does not count against a non-residential property's total signage allotment. This sign shall be placed at least thirty (30) feet from any public right of way.
- (4) Restaurant Menus, detached or attached to a building, used in connection with a drive-in or drive-through, which do not attract the attention of persons not on the premises. Signs under this subsection shall not exceed thirty-two (32) square feet and shall not be illuminated other than internally illuminated. This sign shall be placed at least thirty (30) feet from any public right of way.

(b) Types of Signs Allowed without a Permit

- (1) Equipment Signs. Words may be attached to machinery or equipment which is necessary or customary to the business, including but not limited to devices such as gasoline pumps, vending machines, ice machines, etc., provided that words so attached refer exclusively to products or services dispensed by the device, and project no more than one inch from the surface of the device.
- (2) Non-Commercial Signs Allowed without a Permit:
 - (A) Each lot may have one non-commercial sign, including a pole sign, wall sign, or monument sign, that meets the requirements of this section.
 - (1) A non-commercial sign shall not have an area greater than twenty-five (25) square feet.
 - (2) A non-commercial sign shall not be more than five (5) feet in height.
 - (B) A non-commercial sign shall not be lighted or have any moving elements.
 - (C) Non-commercial signs may be installed on private property only with the consent of a Property Owner and may not be installed in, on, or over any street or right-of-way.

- (D) Non-commercial signs under this section may not advertise the sale of goods or services.
- (E) Any sign allowed under this section for a commercial message may also contain non-commercial content.
- (3) One additional temporary sign, which may be a pole sign, wall sign, or monument sign, may be located on a property without a permit when the owner consents to the placement of the sign and that entire property is for sale or lease or if an individual unit or units is for sale or lease. This subsection does not affect the content of the sign allowed under this subsection.
- (A) Entire Property: One additional sign, not exceeding sixty-four (64) square feet in sign area, while the entire property or property is for sale or lease. A sign posted under this section must be removed within ten (10) days following when a contract of sale has been executed or a rental agreement has been executed. This sign shall be placed at least thirty (30) feet from any public right of way.
- (B) Individual Unit(s): One additional sign, not exceeding sixteen (16) square feet in sign area, where an individual unit or units is being offered for sale or lease. A sign posted under this section must be removed within ten (10) days following when a contract of sale has been executed or a rental agreement has been executed. This sign shall be placed at least thirty (30) feet from any public right of way.
- (4) One flag per twenty-five (25) feet of frontage on a right-of-way up to a maximum of six flags with noncommercial messages and six flag poles per premises. Each flag must be a maximum of twenty-four (24) square feet in area. Flag poles shall be a maximum of forty (40) feet in height but no higher than the highest point of the nearest principal building's roof on the premises. Flag poles must meet the minimum yard setback requirements for a principal building or a minimum of ten feet, whichever is more restrictive. Any flag with a commercial message shall count towards other total signage for each nonresidential property as square footage related to the maximum amount of square feet for a monument sign or a wall sign.
- (c) No sign may be placed without the consent of the Property Owner or without a sign permit, when required.
- (d) The Responsible Party is responsible for compliance with this Ordinance.
- (e) Any sign under this section shall not advertise the sale of goods, services, or activities that are not available on the building or property on which the sign is attached or placed.
- (f) Properties in the ETJ that are appraised as or used as commercial property and that contain a business or commercial entity that reflects a use allowed in the above zoning district regulated by this section must comply with this section.

Section 16: Industrial (I) and Agriculture (A).

No sign shall be permitted or allowed in an Industrial or Agricultural District unless it meets the following standards:

- (a) Types of Signs Allowed with Permit:
- (1) Wall, Canopy, or Projecting Signs. Wall, Canopy, and Projecting Signs may be erected. The total sign area for all signs shall not exceed sixty-four (64) square feet. This sign shall be placed at least thirty (30) feet from any public right of way. Sign area allotment is computed by adding the sign area of all Wall, Canopy, and Projecting Signs on the lot. Projecting signs shall project no more than two (2) feet perpendicular from the wall and not more than three (3) feet vertically above the wall of the building. Each sign under this section requires a

sign permit.

- (2) Monument Signs. One (1) non-attached sign per lot may be erected. No sign shall exceed one hundred (100) square feet in sign area and shall not exceed thirty-five (35) feet in height. The setback shall be a minimum of thirty (30) feet from any public right-of-way. Sign placement must comply with any additional setback that may be prescribed by the Sign Administrator when there is a potential safety issue. A permit is required for this sign.
 - (3) Gasoline Pump Islands. For a property that contains a gasoline pump island, the owner may exhibit one (1) logo sign not exceeding thirty-two (32) square feet in sign area and one (1) price sign per gasoline pump island not exceeding forty (40) square feet in sign area. The signage under this subsection does not count against a non-residential property's total signage allotment. This sign shall be placed at least thirty (30) feet from any public right of way.
 - (4) Restaurant Menus, detached or attached to a building, used in connection with a drive-in or drive-through, which do not attract the attention of persons not on the premises. Signs under this subsection shall not exceed thirty-two (32) square feet and shall not be illuminated other than internally illuminated. This sign shall be placed at least thirty (30) feet from any public right of way.
- (b) Types of Signs Allowed without Permit:
- (1) Equipment Signs. Words may be attached to machinery or equipment which is necessary or customary to the business, including but not limited to devices such as gasoline pumps, vending machines, ice machines, etc., provided that words so attached refer exclusively to products or services dispensed by the device, and project no more than one inch from the surface of the device.
 - (2) Restaurant Menus, detached or attached to, used in connection with a drive-in or drive-through, which do not attract the attention of persons not on the premises. Signs under this subsection shall not exceed thirty-two (32) square feet and shall not be illuminated other than internally illuminated.
 - (3) Non-Commercial Signs:
 - (A) Each lot may have one non-commercial sign, which may be a pole sign, wall sign, or monument sign, that meets the requirements of this section.
 - (1) A non-commercial sign shall not have an area greater than thirty-six (36) square feet.
 - (2) A non-commercial sign shall not be more than six (6) feet in height.
 - (B) One additional temporary sign, which may be a pole sign, wall sign, or monument sign, not exceeding one hundred (100) square feet in sign area, may be located on a property without a permit when the owner consents to the placement of the sign and that property is for sale or lease or if an individual unit or units is for sale or lease. This subsection does not affect the content of the sign allowed under this subsection. A sign posted under this section must be removed within ten (10) days following when a contract of sale has been executed or a rental agreement has been executed. This sign shall be placed at least thirty (30) feet from any public right of way.
 - (C) One flag per twenty-five (25) feet of frontage on a right-of-way up to a maximum of six flags with noncommercial messages and six flag poles per premises. Each flag must be a maximum of twenty-four (24) square feet in area. Flag poles shall be a maximum of forty (40) feet in height but no higher than the highest point of the nearest principal building's

roof on the premises. Flag poles must meet the minimum yard setback requirements for a principal building or a minimum of ten feet whichever is more restrictive. Any flag with a commercial message shall count towards other total signage for each nonresidential property. Commercial flags shall count against total allowed square footage for a monument or wall sign for the property.

- (D) A non-commercial sign shall not be lighted or have any moving elements.
- (E) Non-commercial signs may be installed on private property only with the consent of a Property Owner and may not be installed in, on, or over any street or utility right-of-way.
- (F) Any sign allowed under this section for a commercial message may also contain non-commercial content.

- (c) The Responsible Party is responsible and liable for compliance with these provisions.
- (d) Any sign under this section shall not advertise the sale of goods, services, or activities that are not available on the building or property on which the sign is attached or placed.
- (e) Properties in the ETJ that are appraised as or used as commercial property and that contain a business or commercial entity that reflects a use allowed in the above zoning districts regulated by this section must comply with this section.

Section 17: Multi-Unit Complex in a Non-Residential District-Additional Signs Requiring Permit.

No sign shall be permitted or allowed in a Multi-Unit Complex in a Non-Residential District unless it meets the following standards:

- (a) In addition to the signs allowed according to the zoning district, one (1) monument or wall sign per complex may be erected advertising the total number of office or commercial tenants with a sign permit. On corner lots, the major or primary street shall be construed to be the development lot frontage and no more than one (1) sign shall be permitted. On a development lot located at the intersection of two (2) major thoroughfares, a sign shall be permitted for each such thoroughfare or expressway with a sign permit. The sign area of the sign may not be larger than one hundred (100) square feet. The name of the complex and the street address with letters no less than six (6) inches in height will appear at the top of the copy.
- (b) There may be one (1) sign no larger than twenty (20) square feet in sign area identifying each tenant and placed flush on the wall near the office entrance. This sign is in lieu of the wall, canopy, or projecting sign of sixty-four (64) square feet allowed in Sections 15 and 16.
- (c) Sign placement must comply with all setback regulations and any additional setback that may be prescribed by the Sign Administrator when there is a potential safety issue.
- (d) Properties in the ETJ that are appraised as or used as non-residential property and that are a multi-unit complex are also required to meet the provisions of this Section.
- (e) Master Sign Plans for areas with a multi-unit complex are highly encouraged to meet the unique needs of each multi-unit complex. All owners, tenants, subtenants and purchasers of individual units within the development shall comply with the approved master sign plan.

Commented [LM22]: Best Practice: This is for strip malls and shopping centers.

Section 18: Historic District.

Additional signage regulations applicable to the City’s historic downtown district are included in the design and development standards in the Downtown District Implementation Manual.

Commented [LM23]: Best Practice: Instead of including the Historic District land use and sign regulations in the Code of Ordinances the City could create a design manual that referenced all areas of design for that area. Also presents a good opportunity for small network node regulations. Tex. Loc. Gov’t Code Ch. 284.

Section 19: Downtown District.

Additional signage regulations applicable to the City’s historic downtown district are included in the design and development standards in the Downtown District Implementation Manual.

Commented [LM24]: Instead of including the Downtown District land use and sign regulations in the Code of Ordinances the City could create a design manual that referenced all areas of design for that area.

Section 20: Master Sign Plans.

A Master Sign Plan is a comprehensive document containing specific regulations for an entire project’s signs. Master Sign Plans are appropriate for Planned Development Districts, Master Planned Developments, development agreements, large residential or commercial developments, multi-unit complexes, or in the case where a project applicant is seeking several variances to the City’s Sign Ordinance.

DIVISION 3 — ADMINISTRATION

Section 21: Permit Required.

Applications for a sign permit must be processed through the Sign Administrator or the Sign Administrator’s designee.

- (a) Requirements. Except as otherwise provided for herein, no sign shall be erected, posted, painted, or otherwise produced, changed, or reconstructed, in whole or in part, within the City Limits and ETJ of the City without first obtaining a permit.
- (b) Applications: Application for a permit required by this Ordinance shall be made upon forms provided by the Sign Administrator or the Sign Administrator's designee. The application for sign permits shall contain all information, drawings, and specifications necessary to fully advise the Sign Administrator, or the Sign Administrator’s designee, of the type, size, shape, location, zoning district if within City Limits, construction, and materials of the proposed sign and the building structure or premises upon which it is to be placed. Drawings shall also show all existing signs on the property. An application is not considered complete until all necessary information listed in this Code are provided with the application.
- (c) Application for permit. An application for a sign permit must be filed with the Sign Administrator. An application for any sign must state the date when the owner intends to erect the sign.
 - (1) An application shall include:
 - (A) Name, address, and telephone number of the owner of the sign;
 - (B) Name, address, and telephone number of lessor sponsoring the sign, if any;
 - (C) Name, address, and telephone number of the contractor, if any, installing the sign;
 - (D) Name, address, and telephone number of the property where the sign is to be installed;
 - (E) Date on which it is to be installed;
 - (F) Zoning district in which the proposed sign will be located;
 - (G) Any variance that will be requested or has been approved; and
 - (H) An illustration including the location, appearance, and dimensions of the proposed sign.
 - (I) An application is not considered complete unless all the above information is provided with the application.

- (2) The Sign Administrator or designee shall promptly process the sign permit application and approve the application, reject the application, or notify the applicant of deficiencies in the application within twenty-one (21) calendar days after receipt. Any application that complies with all provisions of this ordinance, the zoning ordinance, the building code, and other applicable laws, regulations, and ordinances shall be approved after inspection and approval of the plans and the site.
- (3) If the application is rejected, the Sign Administrator shall provide in writing a list of the reasons for the rejection. An application shall be rejected for non-compliance with the terms of this ordinance, the zoning ordinance, building code, or other applicable law, regulation, or ordinance.
- (4) If no action is taken by the Sign Administrator or designee within twenty-one (21) calendar days after receipt the City shall not collect a fee for the sign permit application. The Sign Administrator then shall approve or reject the application as soon as practical after the twenty-one (21) day deadline. However, if the Sign Administrator has not approved or rejected the permit within forty-five (45) calendar days after the completed application is filed, the applicant can file a complaint as an appeal to the Board of Adjustment as if the permit had been denied.
- (d) Permit fee. A nonrefundable fee as set forth in the uncodified fee schedule adopted by the City Council shall accompany all sign permit applications.
- (e) Duration and revocation of permit. If a sign is not completely installed within six months following the issuance of a sign permit, the permit shall be void. The City may revoke a sign permit under any of the following circumstances:
 - (1) The City determines that information in the application was materially false or misleading;
 - (2) The sign as installed does not conform to the sign permit application;
 - (3) The sign violates this Ordinance, the zoning ordinance, building code, or other applicable law, regulation, or ordinance; or
 - (4) The Sign Administrator determines that the sign is not being properly maintained or has been abandoned.
- (f) Appeals. If the Sign Administrator denies a permit, the applicant may appeal to the Board of Adjustment under Section 24.
- (g) All applications for permits shall include a drawing to scale of the proposed sign and all existing signs maintained on the premises and visible from the right-of-way, a drawing of the lot plan or building facade indicating the proposed location of the sign, and specifications for its construction, lighting, motion, and wiring, if any. All drawings shall be of sufficient clarity to show the extent of the work.
- (h) Qualifications. Only those individuals who properly obtained a permit by the Sign Administrator, the Sign Administrator's designee, or other statutorily required permit or approval shall receive a permit to erect or alter any sign. Permits for the installation, erection, or alteration of any electrical components on a sign shall be issued only to those individuals who hold a commercial sign operator's license and master electrician's license and who have filed the bond and insurance required by the City. It shall be an offense for any person licensed under the provisions of this Ordinance to obtain a permit on behalf of or for the benefit of any unlicensed person whose business activities are such that such unlicensed person would need a license to obtain a permit.
- (i) Conditions for issuing permits. No permit for the erection or alteration of any sign over any

Commented [LM25]: Best Practice: Minimize administrative discretion and quick turnaround time are best practices.

Commented [LM26]: Law: Ensure that any fee accurately reflects the cost of regulating signs. *Reagan National Advertising of Austin, Inc. d/b/a Reagan National Advertising v. City of Austin, Texas; and Marc A. Ott, being sued in his Official Capacity*, NO. 03-15-00370-CV (Tex. App.—Austin June 15, 2016, pet denied).

sidewalk, alley, or other public property, or on or over any roof or building shall be issued to any person except upon the condition that the permit may be withdrawn at any time, in which case the sign shall be immediately removed by the Responsible Party, who will also be liable under the penalties provided for in this Ordinance.

- (j) Issuance. A permit shall not be issued when:
 - (1) An existing billboard sign is in a deteriorated, unsafe, or unsightly condition as described below in Section 25.
 - (2) A sign on the premises is not in compliance with this Ordinance.
 - (3) A sign on the premises is proposed for construction in an area not zoned for such a sign.
 - (4) Authorization of the property owner on which the sign is to be placed has not been obtained.
- (k) Inspection. Any sign for which a permit is issued shall be inspected after its erection for conformity to the provisions of this Ordinance.
- (l) Fees. No permit shall be issued until applicable fees have been paid to the City. Fees may be subject to change without prior notification. Sign permit fee schedule shall be in accordance with the fee schedule enacted by the City Council and located at City Hall.

Section 22: Permit Not Required

A permit shall not be required for:

- (a) Simple routine maintenance, adjustments, replacement of light globes, etc. on existing signs.
- (b) When a sign has been damaged by fire, windstorm, or other causes, immediate work may be done to prevent damage to property or hazard to persons, and to this extent only. Notice will be given as soon as practical to the Sign Administrator or the Sign Administrator’s designee.
- (c) Changing a commercial message to a noncommercial message on any legal sign surface. Any sign surface on which a commercial message may contain a noncommercial message.
- (d) Changing of permitted copy of an existing sign, provided that no increase occurs with respect to either the sign area or the manner in which the sign is structurally supported.
- (e) For any sign or display exempted from the sign ordinance or permit requirement.

Section 23: Variances

- (a) A Responsible Party that wants a variance from this Ordinance must file a request for variance with the Sign Administrator along with a variance fee, as stated in the City’s most recent fee schedule. The Sign Administrator will indicate what documentation the Responsible Party must provide in support of the request.
- (b) Once the complete and necessary documentation has been provided to the Sign Administrator, the Board of Adjustment shall review the request and make a determination based on the documentation provided by the Responsible Party as well as the recommendation of the Sign Administrator.
- (c) The Board of Adjustment has final authority to approve a variance.

Section 24: Board of Adjustment.

- (a) Except as provided in subsection (c) of this section, the Zoning Board of Adjustment may, in specific cases and subject to appropriate conditions, and only after a special finding based on the

Commented [LM27]: Best Practice: Substitution clause. *Metromedia, Inc. v. City of San Diego*, 453 U.S. 490, 513 (1981)

evidence presented that strict compliance with the requirements of this Ordinance will result in substantial undue hardship or inequity to the applicant without sufficient corresponding benefit to the City and its citizens in accomplishing the objectives of this Ordinance:

- (1) Permit a variance for a noncommercial or commercial sign of the setback, effective area, or height requirements of this Ordinance;
 - (2) authorize one additional sign on a premises in excess of the number permitted by this Ordinance; or
 - (3) Review the denial of a permit or other action by an administrative official on request of the applicant or sign owner.
- (b) The Board of Adjustment shall consider:
- (1) Special or unique hardship because of the size or shape of the property on which the sign is to be located, or the visibility of the property from public roads.
 - (2) Hardship claim based on the exceptional topographic conditions or physical features uniquely affecting the property on which a sign is to be located.
 - (3) Proposed sign location, configuration, design, materials and colors are harmonious with the design review guidelines.
 - (4) The sign and its supporting structure should be in architectural harmony with the surrounding structures.
 - (5) The city may take into consideration the demonstrated and documented correlation between the variance and protecting the public health and safety.
 - (6) The City will be more inclined to consider a variance request when it is sought during an earlier stage of the construction approval process, for instance when the Responsible Party is submitting/obtaining a plat, planned unit development, development agreement, or site plan.
 - (7) Master signage plans are highly encouraged. The City will be more inclined to favorably consider a variance request when the variance is part of a master signage plan. There will be a presumption against granting variances piecemeal, ad hoc, on a case-by-case basis when the sign for which a variance is sought could have been included in a master sign plan and considered in the course of a comprehensive review of the entire project's signage.
- (c) The Board of Adjustment may impose conditions upon the granting of a variance under this Ordinance. Such conditions must be related to the variance sought, and be generally intended to mitigate the adverse effects of the sign on neighboring tracts and the general aesthetic ambiance of the community. A non-exhaustive list of examples of conditions include increased setbacks, added vegetation, muted colors, and decreased lighting. The Board of Adjustment may condition sign variances on the Responsible Party bringing other existing, nonconforming signs into compliance with current regulations. A Responsible Party's failure to comply with conditions placed on a variance may result in the Board of Adjustment voiding the variance and authorizing all available code enforcement actions and other remedies available in equity or at law.
- (d) The Board of Adjustment may authorize the remodeling, renovation, or alteration of a sign when some nonconforming aspect of the sign is thereby reduced.
- (e) Where a permit was required for a sign's erection according to the law in effect at the time the sign was erected and where the Sign Administrator finds no record of a permit being issued, the Board of Adjustment may authorize the issuance of a replacement permit when, from the evidence presented, the board finds either that a permit was issued or that arrangements were made with a sign company to obtain such permit.

DIVISION 4 — EXISTING SIGNS

Section 25: Maintenance of Existing Signs.

- (a) All signs in the City and ETJ shall be properly maintained at all times to the satisfaction of the Sign Administrator. The Sign Administrator shall have the authority to order the painting, repair, or removal of a sign which constitutes a hazard to the safety, health, or public welfare by reason of inadequate maintenance, dilapidation, obsolescence, or abandonment. The Sign Administrator’s decision shall be subject to the review of the Board of Adjustment as listed below regarding appeal of a decision of an administrative official under Section 24. If within fifteen (15) days the maintenance orders are not complied with, the City Manager may order the sign removed at the owner’s expense under the provisions of this ordinance.
- (b) It is an offense for a Responsible Party to fail to maintain signs and sign structures in a good and sound condition as determined by the building official in accordance with the International Building Code. Responsible Parties must repair or replace signs and sign structures that are rotting, peeling, rusting, fading, becoming discolored, covered in dirt, or filled with holes. Responsible Parties shall not allow signs or sign structures to become dangerous, within the meaning of the International Building Code, as a result of inadequate design, construction, repair, or maintenance. The City can seek to compel immediate removal of signs that are in such a state of disrepair as to constitute an imminent threat to public health, safety and welfare.

Section 26: Newly Annexed Signs.

Signs in areas newly annexed into the City Limits or newly encompassed by an expanded ETJ shall be treated as nonconforming signs. If required for the type of existing sign, a permit shall be issued upon application.

Section 27: Off-Premise Pole Signs (Billboards).

Off-Premise Pole Signs (Billboards) with commercial advertising are prohibited in the City. ~~Off-Premise Pole Signs (Billboards)~~ in existence prior to the enactment of this Ordinance shall be exempt from the provisions of the Ordinance for a period of _____, _____, only if they are not hazardous to the health and safety of the public and are maintained in accordance with this Ordinance. After [time] from the enactment of this Ordinance, all billboards in the City shall conform to the restrictions and standards of this Ordinance and any lighting regulations adopted by the City.

No existing billboard shall exceed forty (40) feet in height from the ground level. No existing billboard shall interfere with the visibility of pedestrians or drivers of motor vehicles at street intersections or otherwise obstruct traffic or create a traffic hazard.

Section 28: Destroyed Nonconforming Signs.

An existing non-conforming sign in the City Limits or ETJ may not be repaired or rebuilt in the case of obsolescence or total destruction by fire or other causes. In case of partial destruction by fire or other causes, where the cost of repairing the sign is less than sixty 60 percent of the cost of erecting a new sign of the same type at the same location, the Sign Administrator may issue a “no fee” permit

Commented [LM28]: Law: While we have to read the sign to know it is off-premise, the State of Texas and the Ninth Circuit agree that regulation of commercial signs, including an on-premise versus off-premise distinction is permissible. *Contest Promotions, LLC v. City & Cty. of S.F.*, No. 17-15909.13,14 (9th Cir. Aug. 16, 2017); Tex. S.B. 2006 (85th Leg. R.S.) <http://www.capitol.state.tx.us/tlodocs/85R/billtext/html/SB02006F.htm>

Commented [LM29]: Decision: Determine if an amortization schedule makes sense for your city. It can be costly. Thoroughly review Chapter 216 of the Local Government Code before moving forward with this option. Not all signs can be amortized.

Commented [LM30]: Law: Allowed by Texas Local Government Code Section 216.013. However, keep in mind that there could be takings issues as well.

for the necessary repairs to be made to the sign. If the necessary repairs are not completed within sixty (60) days of the receipt of written notification to the Responsible Party by the Sign Administrator or the Sign Administrator's designee, then the sign shall be removed either by the Responsible Party or by the City at the Responsible Party's expense. Criminal or civil penalties may also be initiated against the Responsible Party as provided for in this Ordinance. Under unusual circumstances and/or where the Responsible Party has shown "good faith" in attempting to comply with the provisions of this Ordinance, an extension period of thirty (30) days may be granted to the Responsible Party to facilitate repairs. If the cost of rebuilding or repair of an existing non-conforming sign exceeds sixty percent (60%) of the cost of erecting a new sign of the same type at the same location, the sign shall be removed at the Responsible Party's expense. If the sign is not removed within thirty (30) days of written notification to the Responsible Party, then it shall be removed by the City or its designated agent(s) at the Responsible Party's expense. A sign so removed under the provisions of this section shall be kept in storage for a period of sixty (60) days, and if it is not claimed within said period, it may be disposed of in a lawful manner by the City.

Section 29: Abandoned or Discontinued Signs.

An abandoned or discontinued sign is a sign that advertises a business or project that has ceased operations in excess of one (1) year, unless the property is leased, in which case the sign shall be removed after two (2) years. The Responsible Party shall remove any sign and/or sign structure that has not been used for advertising or promoting a going concern for at least one (1) year. For the purposes of this section, a business or project has ceased to operate when it is no longer engaged in the sale of products or services in the normal course of business.

Section 30: Signs and Modifications.

- (a) Signs lawfully in existence on the date the provisions of this Ordinance are adopted that do not conform to the provisions of this Ordinance, but which were in compliance with the applicable regulations at the time they were constructed, erected, affixed, or maintained, must be regarded as nonconforming.
- (b) For the purpose of amortization, these signs may be continued from the effective date of this Ordinance for a period not to exceed ten (10) years, unless under a previous regulation the signs were to be amortized as allowed by law. In that case the amortization period must be as previously required or ten years, whichever is less. Signs that cannot be amortized by the city may continue in existence so long as the sign continues to be properly maintained as required by this Code.
- (c) Signs which were nonconforming to the prior Ordinance and which do not conform to this Ordinance must be removed immediately.

Section 31: Altered, Relocated, or Replaced Signs.

Any sign which is altered, relocated, or replaced must be brought immediately into compliance with all provisions of this Ordinance.

Section 32: Temporary Signs

Temporary Signs may be displayed with the approval of a temporary sign permit. A temporary sign permit is valid for fourteen (14) days. Each lot in the City may have up to three (3) temporary sign permits per year. Square footage of the sign may not exceed forty (40) square feet. Signs must be securely attached to a permanently installed building or wall and they must be kept in good repair throughout the time of their display. Pipes, poles, posts or other materials may be used to erect signs if the signs and supporting materials are kept in good repair. The Responsible Party must affix the permit sticker to the back of the sign. A temporary sign must obtain a permit and pay a temporary sign fee as required by the City fee schedule for the number of days for which a temporary will be displayed. A temporary sign under this section shall comply with all setback requirements of other signs on similarly zoned lots.

Commented [LM31]: Note: For spaghetti dinners and special events in the city. This could be used for banners as well. Permits would be for a certain number of days. Would need a separate temporary sign permit form.

DIVISION 5 — VIOLATIONS AND PENALTIES

Section 33: Violations.

Should the Responsible Party or parties after due notice fail to correct a violation of this Ordinance, the Sign may cause such signs and supports to be removed. The Sign Administrator may also take necessary action to file a lien against the property a lien to recover the cost of removal if the removal costs are not paid by the property owner within fifteen (15) days after the property owner is billed. The Sign Administrator may also pursue criminal and/or civil penalties as provided for under this Ordinance.

Section 34: Offense.

It is an offense for any individual to violate or cause, allow or permit a violation any provision of this Sign Code or commit an act designated as unlawful by this Sign Code and the individual who violates or causes, allows or permits a violation of this ordinance shall be guilty of a misdemeanor and shall be punished as provided in section [redacted] of the City Code of Ordinances.