Ordinance No. 2012- 1058

AN ORDINANCE OF THE CITY OF FULSHEAR, TEXAS, ESTABLISHING RULES AND REGULATIONS GOVERNING THE CONSTRUCTION, ERECTION, MAINTENANCE AND USE OF SIGNS WITHIN THE CORPORATE LIMITS OF THE CITY; APPLICATION OF RULES AND REGULATIONS TO CITY'S EXTRATERRITORIAL JURISDICTION; PROVIDING A PENALTY OF AN AMOUNT NOT TO EXCEED $500 FOR EACH DAY OF VIOLATION OF ANY PROVISION THEREOF; REPEALING ORDINANCE NO.06-939 A, AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; AND CONTAINING OTHER PROVISION'S RELATING TO THE SUBJECT.

WHEREAS, the City Council of the City of Fulshear, Texas (the "City") finds that the unregulated construction and erection of outdoor signs, billboards and other structures designed to make an announcement to the general public can create structural hazards and can present impediments and dangers to traffic along roadways and Right of Ways within the City and easements, and

WHEREAS, the City Council of the City of Fulshear finds that portable signs present special traffic hazards when towed on public streets or displayed on public rights-of-way and present dangers to the health and safety of the citizens of the City;

WHEREAS, the City Council of the City of Fulshear recognizes that protection of the City's visual environment will benefit both residential and commercial property owners and will promote a positive image of the City; and

WHEREAS, the City Council desires to promote the reasonable, orderly, and effective display of signs and to ensure that signs do not create or become hazards;

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

SECTION 1.0

PURPOSE: This Ordinance provides uniform standards for the erection and maintenance of signs within the City Limits and ETJ. All signs in this Chapter shall be erected and maintained in accordance with these standards. The general objectives of these standards are to promote health, safety, welfare, convenience and enjoyment of the public, and in part to achieve the following:

1) **Safety.** To promote the safety of persons and property by providing that Signs do not:

   a) Create a hazard due to collapse, fire, decay or abandonment;

   b) Obstruct firefighting or police observation ability;

   c) Create traffic hazards by confusing or distracting pedestrians or motorists; or

   d) Become obstacles that hinder the ability of pedestrians, bicyclists or motorists to read traffic Signs.

   e) Become obstacles that hinder free passage to pedestrians, bicyclists or motorists.

2) **Communications efficiency.** To promote the efficient transfer of information in Sign messages provided that:

   a) Those Signs which provide public safety messages and information are given priorities;

b) Businesses and services can identify themselves;

c) Customers and other persons can locate a business or service;

d) No person or group is arbitrarily denied the use of the sight lines from the public rights-of-way for communication purposes;

e) Persons exposed to Signs are not overwhelmed by the number of messages presented and are able to exercise freedom of choice to observe or pay no attention to such messages, according to the observer's purpose; and

f) The right of free speech is preserved and exercised through the use of Signs.

3) **Landscape quality and preservation.** To protect the public welfare and to enhance the appearance and economic value of the landscape, by providing that Signs:

a) Do not interfere with scenic views;

b) Do not create a nuisance to persons using the public rights-of-way;

c) Do not create a nuisance to occupants of adjacent and contiguous property by their brightness, size, height, or movement;

d) Are not detrimental to land or property values;

e) Do not contribute to visual blight or clutter; and

f) Are similar in construction materials and style as that of the structure or tract of land to which they pertain and to neighboring structures, as well as the City at large.

SECTION 2.0

DEFINITIONS: The following terms, when used in this Ordinance, shall have the meanings proscribed to them herein, except where the context clearly indicates a different meaning:

1) ***Ancillary sign***: shall mean a sign which conveys information regarding a service, facility, or product subsidiary or ancillary to the main or principal business use of a property, such as telephone signs, restroom signs, credit card signs, open signs, or signs displaying the hours of operation for the business or entity.

2) ***Destination signage:*** shall mean all landscaping, monumental construction and actual message used to alert travelers that they have entered another distinct destination within the community such as a Master Planned Development or specially recognized District.

3) ***Holiday Sign:*** shall mean all signs, decorations, ornaments, structures or inflatable device which convey solely a Holiday message with no commercial message.

4) ***Master Planned Community:*** shall mean developments of more than two-hundred (200) acres which include more than five-hundred (500) residential units and provide for specialized amenities including sidewalks, park and recreational facilities, customized drainage and decorative landscaping and a unifying theme for the development.

5) ***Medallion sign:*** shall mean a two-sided panel bearing a decorative figure or relief or identifying emblem and shall communicate only information limited to the business, address, proprietor and date of establishment, which is affixed to a pole or post comprised of the same material from which the emblem is made and painted, coated or manufactured to be the same color as the emblem background color.

6) ***Monument sign***: shall mean any sign mounted on the ground, but not elevated above the ground by any device that holds the sign off the ground and not attached to any building, including reader panels.

7) ***Neighborhood Identification Sign:*** shall mean all landscaping, monumental construction and actual message used to alert travelers that they have entered a specific neighborhood within a Master Planned Community.

8) ***Non-commercial sign:*** shall mean a sign that contains a non-commercial message only.

9) ***Non-commercial message***: shall mean a civic, political, religious, seasonal, or personal message that is not displayed for a fee, for compensation, or for the promotion of a product, service or other business, and is located on property owned or lawfully occupied by the person displaying the message.

10) ***Non-Profit Organization****:* shall mean any organization recognized as a non-profit under the IRS Code. For the purpose of this Ordinance such designation shall also include religious organizations and school sponsored organizations, so long as documentation of affiliation is provided.

11) ***Off-Premises Sign:*** shall mean any sign, which directs attention to a business, person, activity, good, product, service or entertainment sold or offered on a site other than on the premises where such sign appears.

12) ***Projecting Sign:*** shall mean a sign, other than a wall sign, which is affixed to any building or wall, and whose leading edge extends more than two feet beyond such building or wall. A canopy or marquee shall be synonymous to a projecting sign.

13) ***Portable sign:*** shall mean any sign designed or constructed to be easily moved from one location to another, including signs mounted upon or designed to be mounted upon a trailer, wheeled carrier, or other non-motorized mobile structure. A portable sign which has its wheels removed shall still be considered a portable sign hereunder.

*14) **Right of Way:** shall mean any street, avenue, boulevard, highway, road, thoroughfare, sidewalk, alley or any other property which is owned or controlled by a governmental entity. In the event that there is a discrepancy in the location of the Right of Way boundary the City Engineer shall be consulted to affirm said boundary.*

15) ***Sign:*** shall mean any structure, part thereof, or inscription which is located upon, attached to, or painted or represented on any land, or on the outside of any building or structure, or on an awning, canopy, marquee, or similar appendage, or permanently affixed to the glass on the outside of the building or structure, and which displays or includes any numeral, letter, word, model, banner, emblem, insignia, symbol, device, monogram, heraldry, trademark, light, or

other representation used as or in the nature of an announcement, advertisement, attention arrestor, direction, warning, or designation of any person, firm, group, organization, corporation, association, place, commodity, product, service, business, establishment, profession, enterprise, industry, activity, or any combination thereof; where the word sign is used herein without further modification, the same shall be understood to embrace all regulated signs and replicas. Additionally, this term shall be applied to any permanent or semi-permanent inscription or structure that installed within or behind a window which displays or includes any numeral, letter, word, model, banner, emblem, insignia, symbol, device, monogram, heraldry, trademark, light, or other representation used as or in the nature of an announcement, advertisement, attention arrestor, direction, warning, or designation of any person, firm, group, organization, corporation, association, place, commodity, product, service, business, establishment, profession, enterprise, industry, activity, or any combination thereof.

16) ***Snipe sign***: shall mean a sign which is tacked, nailed, posted, pasted, glued, or otherwise attached to a tree, stake, fence, utility pole, or other like object, the advertising matter of which is not applicable to the present use of the premises on which the sign is located.

17) ***Special Event Announcement Sign:*** shall mean a sign designed to announce a special event such as a local festival or sporting event.

18) ***Special Event Directional Sign:*** shall mean directional signage posted and removed within the time specified herein of a special event such as a local festival or sporting event.

19) ***Temporary sign:*** shall mean any sign constructed of materials with short life expectancies. A portable sign shall not necessarily be considered a temporary sign.

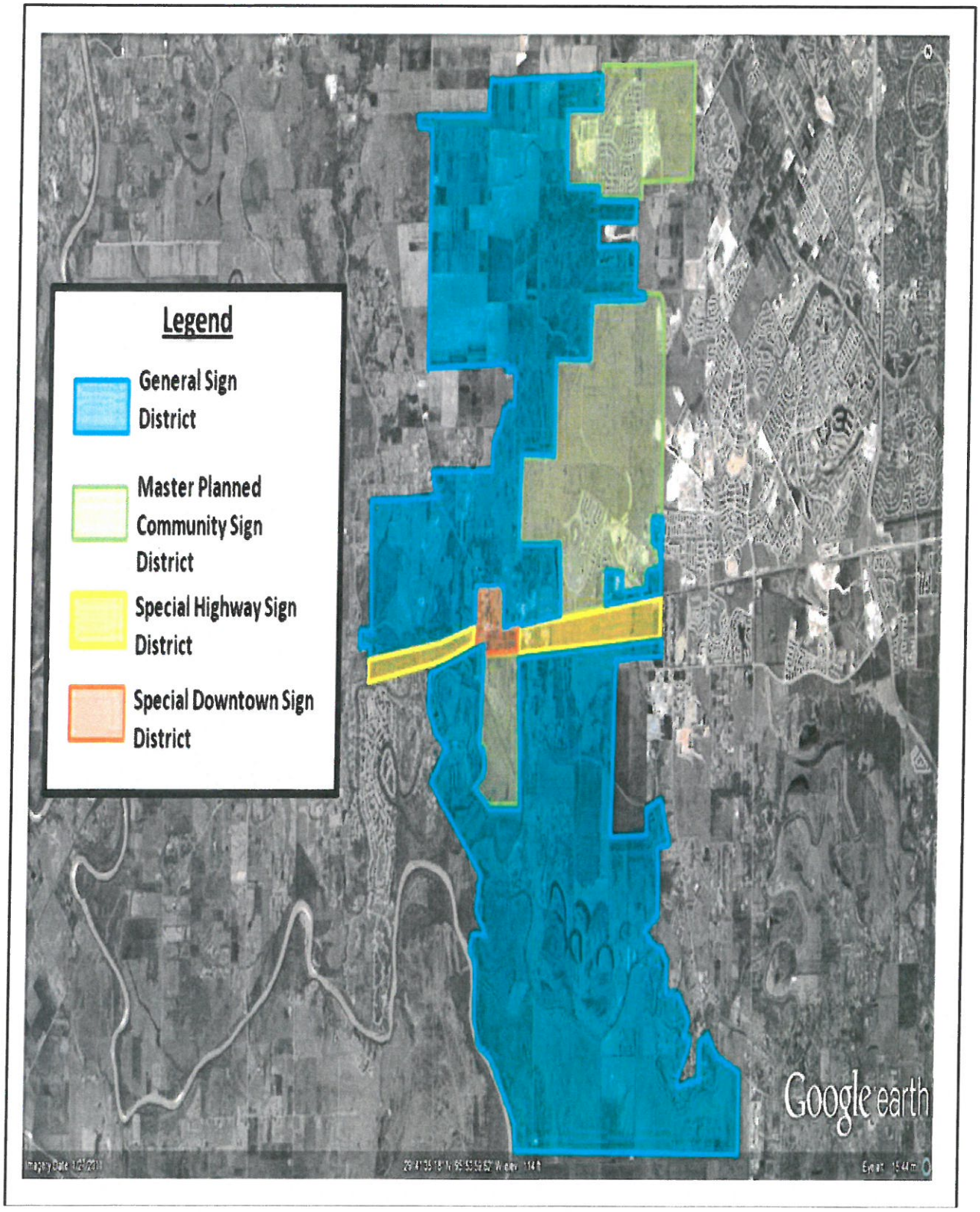
20) ***Way-finding Sign:*** Signage specific to directing travelers to certain locations within the City. Such signs shall be of a specific design for its type and shall be approved on a case by case basis by the Planning Commission prior to installation unless installed in conjunction with a previously approved Master Sign Plan in association with a Master Planned Community.

21) ***Wind device sign***: shall mean any flag, pennant, banner, streamer, balloon, inflatable device or similar-type object made of cloth, canvas, nylon, plastic, or other flexible material, with or without a frame or other supporting structure, that moves, or is intended to move or blow with the wind.

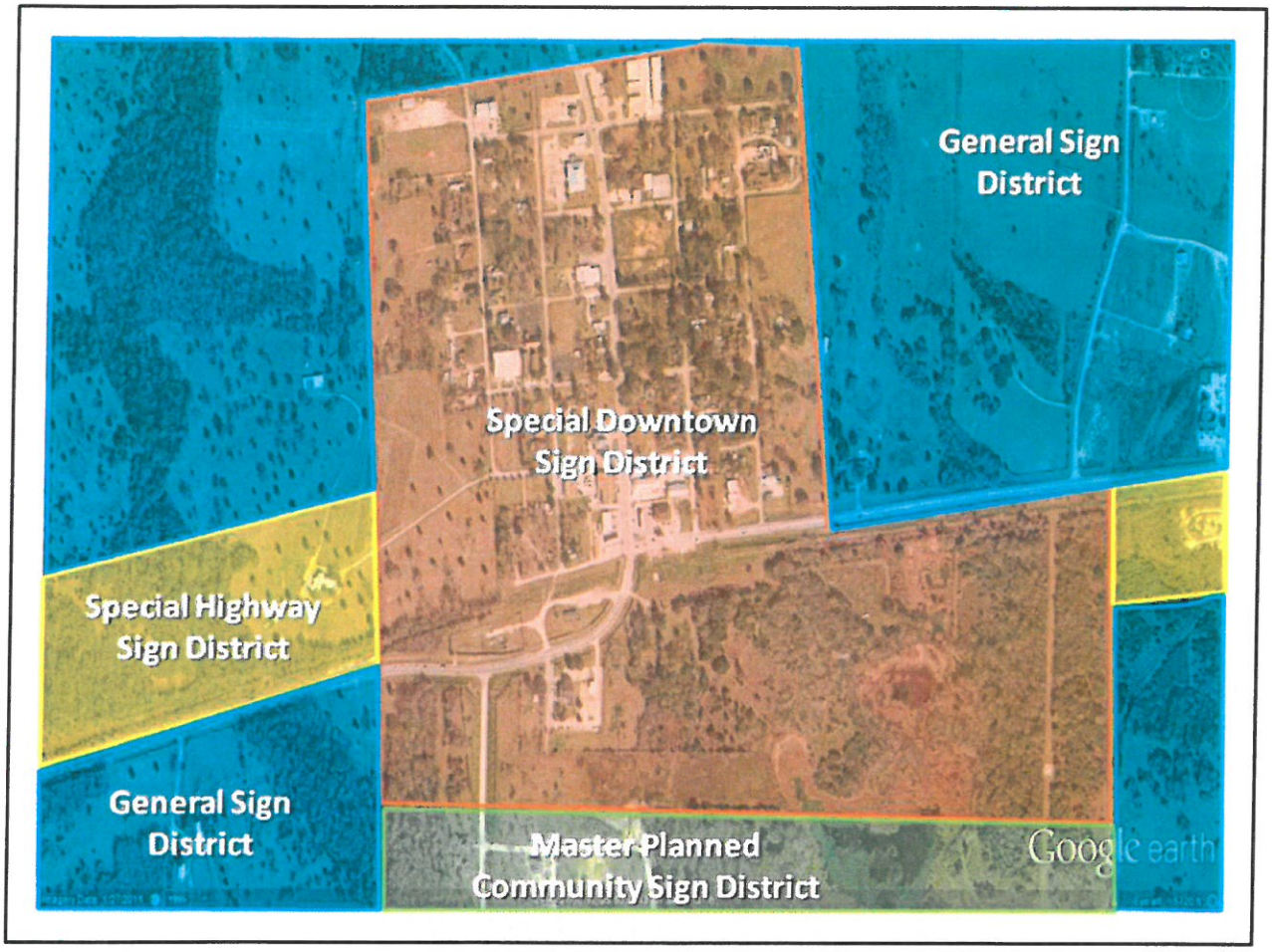
SECTION 3.0

SIGN DISTRICTS: Recognizing that the City is an amalgam of various types of property and uses, the City has created distinct Sign Districts. The construction and design of signs may vary from District to District as allowed under this Ordinance. However, all signs within each district shall at all times be maintained to ensure compliance with all applicable federal and state statutes and regulations and with the building code, electrical code, and other applicable ordinances of the City. For the purposes of this Ordinance, the maps below detail the various Sign Districts:

City of Fulshear Sign District Map



City of Fulshear Downtown Sign District Map



SECTION 4.0

DESIGN, CONSTRUCTION AND MAINTENANCE OF SIGNS BY DISTRICT: All signs erected within the City and its ETJ shall adhere to the design and construction standards described below.

1) **General Sign District:** As noticed in the above maps, any area of the City or its ETJ not located specifically within a Special Sign District shall be located in the General Sign District. All signs within this District shall be constructed in one of two formats.

   a) Monument Signs: Monument signs shall be constructed of masonry material or shall be constructed of a material complimentary of the structure to which the sign is attributed. The bottom portion of the sign shall rest flush against the ground, allowing no space between the ground and the bottom of the sign structure. The portion of the sign containing the message shall not exceed seventy-two (72) total square feet of area. The total height of the sign, including the sign structure and the portion containing the message of the sign, shall not exceed ten feet (10'). The total width of the sign, including the sign structure and the portion containing the message of the sign, shall not exceed twelve feet (12'). If one commercial property contains more than ten (10) different businesses and has more than

350' of road frontage, the property shall be allowed two (2) monument signs at that location, both of which must comply in all respects with this Ordinance.
Each Monument Sign shall be permitted a decorative cap which shall not be included in the total sign height restrictions recited above. Each decorative cap shall be no more than two feet (2') in height and shall extend beyond the permitted width of each such sign by no more than one foot (1 ') on each side. Any decorative cap permitted by this subsection shall be purely ornamental, and shall be constructed of construction materials identical to or similar to the construction materials used in the construction of the sign or the construction of the building located on the premises.

It shall be prohibited for Monument Signs on separate properties to be located within fifty (50) linear feet of each other. It shall be prohibited for Monument Signs on the same property to be located within one-hundred (100) linear feet of each other.

b) Façade or Wall Signs: Façade or wall signs shall be allowed provided there is no more than one (1) such sign per street frontage for each business. Facade or wall signs may be mounted or painted upon the wall, and must be maintained in good condition at all times. The sign shall contain only information identifying the business located on the site. The sign area shall not exceed ten percent (10%) of the area of the facade or wall on which it is mounted or painted. For buildings with multiple tenants, the area for a wall sign shall be limited to ten (10) percent of the total wall space attributable to their lease. A mounted wall sign shall not project more than 12 inches from the building wall to which it is attached.

2) **Special Highway Sign District:** As noticed on the maps above there are two Special Highway Sign Districts within the City Limits and ETJ of Fulshear. Those two Districts are located on the south side of F. M. 1093 and east of F. M. 359 and on the north side of F. M. 1093 and west of F. M. 359 outside of the Downtown Special Sign District. All signs within this District shall be constructed in one of two formats.

a) Monument Signs: Monument signs shall be constructed of masonry material or shall be constructed of a material complimentary of the structure to which the sign is attributed. The bottom portion of the sign shall rest flush against the ground, allowing no space between the ground and the bottom of the sign structure. The portion of the sign containing the message shall not exceed one-hundred twenty (120) total square feet of area. The total height of the sign, including the sign structure and the portion containing the message of the sign, shall not exceed fourteen feet (14'), subject to the decorative caps defined below. The total width of the sign, including the sign structure and the portion containing the message of the sign, shall not exceed twelve feet (12'). If one commercial property contains more than ten (10) different businesses and has more than 350' of road frontage, the property shall be allowed two (2) monument signs at that location, both of which must comply in all respects with this Ordinance. Each Monument Sign shall be permitted a decorative cap which shall not be included in the total sign height restrictions recited above.

Each decorative cap shall be no more than two feet (2') in height and shall extend beyond the permitted width of each such sign by no more than one foot (1 ') on each side. Any decorative cap permitted by this subsection shall be purely ornamental, and shall be constructed of construction materials identical to or similar to the construction materials used in the construction of the sign or the construction of the building located on the premises.

It shall be prohibited for Monument Signs on separate properties to be located within fifty (50) linear feet of each other. It shall be prohibited for Monument Signs on the same property to be located within one-hundred (100) linear feet of each other.

c) Façade or Wall Signs: Façade or wall signs shall be allowed provided there is no more than one (1) such sign per street frontage for each business. Facade or wall signs may be mounted or painted upon the wall, and must be maintained in good condition at all times. The sign shall contain only information identifying the business located on the site. The sign area shall not exceed ten percent (10%) of the area of the facade or wall on which it is mounted or painted. For buildings with multiple tenants, the area for a wall sign shall be limited to ten (10) percent of the total wall space attributable to their lease. A mounted wall sign shall not project more than 12 inches from the building wall to which it is attached.

3) **Special Downtown Sign District:** As noticed on the maps above the Special Downtown Sign District is comprised of the developed portion of the original township platting for Fulshear plus the City's Town Center Municipal Management District. All signs within this District shall be constructed in one of four formats.

a) Monument Signs: Monument signs shall be constructed of masonry material or shall be constructed of a material complimentary of the structure to which the sign is attributed. The bottom portion of the sign shall rest flush against the ground, allowing no space between the ground and the bottom of the sign structure. The portion of the sign containing the message shall not exceed seventy-two (72) total square feet of area. The total height of the sign, including the sign structure and the portion containing the message of the sign, shall not exceed ten feet (10'). The total width of the sign, including the sign structure and the portion containing the message of the sign, shall not exceed twelve feet (12'). If one commercial property contains more than ten (10) different businesses and has more than 350' of road frontage, the property shall be allowed two (2) monument signs at that location, both of which must comply in all respects with this Ordinance. Each Monument Sign shall be permitted a decorative cap which shall not be included in the total sign height restrictions recited above.

Each decorative cap shall be no more than two feet (2') in height and shall extend beyond the permitted width of each such sign by no more than one foot (1 ') on each side. Any decorative cap permitted by this subsection shall be purely ornamental, and shall be constructed of construction materials identical to or similar to the construction materials used in the construction of the sign or the construction of the building located on the premises.

It shall be prohibited for Monument Signs on separate properties to be located within fifty (50) linear feet of each other. It shall be prohibited for Monument Signs on the same property to be located within one-hundred (100) linear feet of each other.

b) Façade or Wall Signs: Façade or wall signs shall be allowed provided there is no more than one (1) such sign per street frontage for each business. Facade or wall signs may be mounted or painted upon the wall, and must be maintained in good condition at all times. The sign shall contain only information identifying the business located on the site. The sign area shall not exceed ten percent (10%) of the area of the facade or wall on which it is

mounted or painted. For buildings with multiple tenants, the area for a wall sign shall be limited to ten (10) percent of the total wall space attributable to their lease. A mounted wall sign shall not project more than 12 inches from the building wall to which it is attached.

c) Medallion Signs: Businesses located in the District shall have the option of erecting a medallion or shield sign in lieu of a Monument sign described in above. Any such sign shall not exceed nine (9) square feet of sign area, shall be mounted no more than nine (9) feet above the ground.

d) Projecting signs: Businesses located in such as way that preclude the installation of a Monument or Medallion Sign due to encroachment by road or right of way may install one projecting sign per building face (wall) of a business property. A projecting sign shall not extend more than four feet from the building face (wall) to which it is attached and shall not exceed eight (8) square feet in area. The distance from the bottom of the sign to the ground or sidewalk shall be a minimum of eight (8) feet. The distance from the top of the sign to the ground or sidewalk shall be a maximum of sixteen (16) feet or the top of the roof line, whichever is lower. Projecting signs shall be pinned away from the building wall at least six inches.

4) **Master Planned Community Sign District:** As noticed on the maps above there are several Master Planned Sign Districts within the City Limits and ETJ of Fulshear. These Districts coincide with the boundaries of currently platted Master Planned Communities. Additional Master Planned Community Districts may be added through Council action at a later date. Generally, aside from Destination Signage designating the entrances to Master Planned Communities; all signs within this District shall be constructed in one of two formats as discussed below. However, the Developer of the Master Planned Community may submit a formal Master Signage Plan as detailed below.

a) Monument Signs: Monument signs shall be constructed to substantially appear as a solid mass, such as cylinder, block, rectangle, or square from ground level to the highest portion of the sign, otherwise commonly known as Monument Signs. The bottom portion of the sign shall rest flush against the ground, allowing no space between the ground and the bottom of the sign structure. The portion of the sign containing the message shall not exceed seventy-two (72) total square feet of area. The total height of the sign, including the sign structure and the portion containing the message of the sign, shall not exceed ten feet (10'). The total width of the sign, including the sign structure and the portion containing the message of the sign, shall not exceed twelve feet (12'). If one commercial property contains more than ten (10) different businesses and has more than 350' of road frontage, the property shall be allowed two (2) monument signs at that location, both of which must comply in all respects with this Ordinance. Each Monument Sign shall be permitted a decorative cap which shall not be included in the total sign height restrictions recited above.

Each decorative cap shall be no more than two feet (2') in height and shall extend beyond the permitted width of each such sign by no more than one foot (1 ') on each side. Any decorative cap permitted by this subsection shall be purely ornamental, and shall be constructed of construction materials identical to or similar to the construction materials used in the construction of the sign or the construction of the building located on the premises.

It shall be prohibited for Monument Signs on separate properties to be located within fifty (50) linear feet of each other. It shall be prohibited for Monument Signs on the same property to be located within one-hundred (100) linear feet of each other.

b) Façade or Wall Signs: Façade or wall signs shall be allowed provided there is no more than one (1) such sign per street frontage for each business. Facade or wall signs may be mounted or painted upon the wall, and must be maintained in good condition at all times. The sign shall contain only information identifying the business located on the site. The sign area shall not exceed ten percent (10%) of the area of the facade or wall on which it is mounted or painted. For buildings with multiple tenants, the area for a wall sign shall be limited to ten (10) percent of the total wall space attributable to their lease. A mounted wall sign shall not project more than 12 inches from the building wall to which it is attached.

c) Master Signage Plan: The developer of a Master Planned community may install signage of varying style and construction if included as part of a Master Signage Plan that shall be reviewed and approved by the Planning Commission. Such a plan shall include the following elements:

i. An accurate artistic representation of the proposed signage including color scheme and materials for each sign type.

ii. A detailed listing of the number of signs by type (temporary, permanent, way-finding, etc.).

iii. Inclusion of traffic control and public safety signage.

iv. A map indicating the proposed signage's location within the development.

v. A developer may divide, update and modify the plan based on phased/ sectional development so long as it provides an updated plan to the Commission for review and approval no less than sixty (60) days following the approval of a final plat for a new phase or section to be developed.

vi. Upon submittal of the plan, the Developer shall pay the appropriately adopted fees for the total number of signs included in the plan with the understanding that fees for temporary signage shall only be paid once based on the total number of temporary signs included in the plan. The developer will be able to place and replace temporary signage without incurring additional fees so long as the total number of temporary signs does not exceed that previously approved by the Commission. In the event that the developer does not install all permanent signs accounted for in the plan it may be reimbursed those fees by the City. Further, the developer shall not pay fees for appropriately installed and approved traffic control and public safety signage.

vii. Destination Signage shall be exempt from fee and permit so long as such signage is located solely at the primary entrances to the development located along the primary arterial roadways within the City or ETJ. In the event that a development does not front an existing or proposed arterial roadway, such Destination Signage

shall be exempt so long as it is located at a primary entrance along a Major Thoroughfare.

viii. Neighborhood Identification Signage shall be exempt from fee and permit so long as such signage is accounted for in the Master Sign Plan.

ix. Destination Signage and Neighborhood Identification Signage shall both be exempt from the Right of Way placement prohibitions so long as the actual message lies outside the Right of Way and the landscaping and monumental structures do not hinder sight lines necessary for driving safety. The City may require the removal of any structure lying within the Right of Way at anytime. The City shall not be liable for costs associated with the removal and relocation of any structure located within the Right of Way.

5) **Maintenance:** All signs within the City shall be erected and maintained in compliance with all applicable federal and state statutes and regulations and with the building code, electrical code, and other applicable ordinances of the City. In the event of conflict between this ordinance and other statutes, regulations or ordinances, the most restrictive standard shall apply. All signs shall be kept in good repair and neat appearance. Maintenance shall be performed on all signs at reasonable intervals, and shall include replacement of defective parts, painting, repainting, and cleaning. The owner of a sign and the owner of the property upon which the sign is located shall be jointly and severally responsible for the sign's maintenance and repair. The Building Official of the City, or his designee, shall inspect all signs on a regular basis and shall require maintenance or repair of any sign deemed in violation of this Ordinance.

SECTION 5.0

PROHIBITED SIGNS: It shall be unlawful for any person to construct, erect, install, construct, display, maintain, reconstruct, place, locate, relocate or make use of any of the following signs within the City:

1) Revolving or moving signs.

2) Signs that contain or have attached thereto banners, posters, pennants, ribbons, streamers, strings of light bulbs, spinners, flash tags, or other similar devices.

3) Portable signs.

4) Snipe signs.

5) Signs located on a roof or otherwise attached to or painted on a building if it projects above the highest point on the building.

6) Signs or any portion thereof, that are located on or project or extend over any public sidewalk, street, alley, or other public property. Provided, however, that if signs are located within the Special Downtown Sign District; they may project over the sidewalk so long as they comply with the design standards found in Section *4.0*, Paragraph 3), Sub-heading d).

7) Signs that are deteriorated, dilapidated, or unsafe.

8) Signs that contain statements, words, or pictures of an obscene, indecent, or immoral character as will offend public morals or decency.

9) Signs located on or attached to a streetlight, utility pole, fire hydrant, bridge, traffic-control device, street sign, or other building, facility, structure or equipment owned by the City without the prior written consent of the City.

10) More than one ground-mounted monument sign for any lot or development site, or for any individual shopping center or strip center; provided, however, if a lot or development site, shopping center or strip center has frontage on two public streets, one ground-mounted monument sign shall be permitted for each such street frontage. Signs representing sites with more than ten (10) businesses and with more than three hundred and fifty (350) feet of frontage are allowable so long as they comply with all other applicable sections of this Ordinance.

11) Signs that do not comply with this Ordinance or other ordinances of the City.

12) Signs located or illuminated so that they obscure or interfere with the effectiveness of an official traffic sign, signal, or device, or obstruct or interfere with the view of approaching, emerging or intersecting traffic, or prevent any traveler on any street from obtaining a clear view of approaching vehicles.

13) Illuminated signs which:

a) Are illuminated to such intensity or without proper shielding so as to constitute a hazard to the operation of motor vehicles upon a public street or substantially interfere with the reasonable enjoyment of residential property; or

b) Have any type of intermittent illumination, including flashing, fading, revolving or blinking lights, or any type of moving, traveling or changing message by means of lights or illumination.

14) Any sign that violates any sight visibility regulations of the City.

15) Signs located in public rights-of-way; with the exception of Signs allowable under Section 4.0, Paragraph 3) Sub-Paragraph d) and Section 4.0, Paragraph 4) Sub-Paragraph c) Item ix.

16) Signs placed on private property without the consent of the owner or person in possession of the property.

17) Off-premise signs.

18) Wind Device Signs

SECTION 6.0

EXEMPT SIGNS: This Ordinance shall not apply to the following types of signage:

1) Governmental Signs. Any sign:

a) Erected or maintained pursuant to and in the discharge of any governmental function;

b) Required by law, ordinance or governmental regulation; or

c) Located on property owned, leased, or under the control of any federal, state or local governmental entity or subdivision thereof.

2) Private Traffic Control Signs. Signs on private property containing no advertising that direct the movement of traffic, warn of obstacles or overhead clearances, or control parking, including entrance and exit signs.

3) Railway Signs. Any sign on property owned by a railroad placed or maintained in reference to the operation of the railway.

4) Utility and Hazard Signs. Any sign marking utility or underground communication or transmission lines or pipes and hazards.

5) Plaques. Historical and commemorative plaques of recognized historical societies and organizations, provided that such signs are less than fifteen (15) square feet in total area.

6) Mailboxes, and Addresses. Addresses and names printed on a standard size on mailbox. Address information on the side of a residence or business shall not exceed four (4) square feet. Street markings indicating address information shall only contain address information painted on curbsides shall not exceed four (4) square feet and shall be painted only in black reflective paint.

7) Real Estate Signs. Real estate signs shall be permitted as follows:

a) For single parcels ten (10) acres in size or smaller, signs not exceeding six (6) square feet in total sign area per sign face and no taller than five feet (5') above natural grade;

b) For undeveloped single parcels greater than ten (10) acres in size, that have not been subdivided into separate parcels or lots, a sign not exceeding eight feet (8') in height above natural grade and not exceeding eight feet (8') in width is permitted.

c) All signs allowed by this subsection shall pertain to the sale or rental of the property on which they are located. Additionally, for all signs allowed by this subsection, any real estate agent posting this sign must have an exclusive listing to market the subject property, or written permission to install the sign from the landowner on which the sign is located. A property owner may post a sign in compliance with this subsection indicating that the property is for sale or lease by the owner. Only one sign per road frontage shall be permitted by this subsection.

8) Athletic Field Signs. Signs located on the field side of scoreboards and fences of athletic fields.

9) National or State Flags. A national or state flag, or both, provided that they do not exceed thirty-six (36) square feet in total area and are flown on a pole no more than twenty-five (25) feet in height.

10) Holiday Signs. Holiday signs as defined in this Ordinance shall be exempt from regulation provided that they are installed no more than 35 days prior to the Holiday for which they are customarily dedicated. Such signs shall be removed no later than 15 days after the Holiday for which they are customarily dedicated.

11) *Political*. Signs advertising or promoting a candidate or proposition in conjunction with an election, or otherwise containing a noncommercial message, provided that:

a) No *political* sign shall be erected before ninety (90) days before the election date on which the office or proposition is to be determined;

b) All such *political* signs shall be removed within ten (10) days following the election on which the office or proposition is finally determined in accordance with the Texas Election Code;

c) No such *political* sign shall exceed thirty-six (36) square feet in total area nor exceed eight feet (8) in height above natural ground level; and

d) Such temporary *political* sign shall otherwise comply with all provisions of this Ordinance.

e) *It is prohibited for such temporary political signage to be illuminated or have moving parts.*

f) It is prohibited for such temporary *political* signage to be placed in the Right of Way or on Public Property. This prohibition does not apply to Public Property located a certain distance around a Polling Place at which voting is actively occurring for the duration of the early voting period and the election date.

14) Property Identification Signs. Any sign erected at the entrance of acreage or residential property that identifies the property by name of the property or by name of the owner, as in the case of farm or ranch identification signs.

15) Temporary Banners. Temporary banners shall be exempt under this Ordinance under the following provisions:

a) One temporary sign, in the form of a banner, not to exceed five feet (5') in height or thirty-two (32) total square feet in sign area may be displayed on non-residential property by a new business for a period not to exceed ninety (90) days if it appropriately registered with the City.

b) One temporary sign, in the form of a banner, not to exceed five feet (5') in height or thirty-two (32) total square feet in sign area may be displayed on non-residential property for a period not to exceed *fourteen (14)* days in a calendar quarter. The *fourteen* days per calendar quarter permitted by this subsection shall not accumulate from calendar quarter to calendar quarter if such signs have been appropriately registered with the City.

c) Any person who registers a temporary banner allowed by this subsection shall pay to the City a non-refundable fee in the amount of fifty dollars ($50.00).

d) Upon registration and receipt of fees, the City will issue tags for such banners which must be affixed to the banners for the duration of their installation. Any banner not bearing such a tag shall be deemed to be in violation of the Ordinance and prompting enforcement action.

16) Non-profit Announcement Signs. Signs announcing events or programs by a not-for-profit organization as defined in this Ordinance provided that:

a) A non-profit may erect one on-site temporary sign and as many as four off–site announcement signs so long as the off-site signs are not placed in the right of way and are placed on private property with the permission of the owner or resident; and

b) The non-profit appoints one person as the responsible party for the registering of such signs; and

c) Such signs not to exceed five feet (5') in height or thirty-two (32) total square feet in sign area; and

d) So long as the sign is erected no more than *ten (10)* days prior to the event being announced and are removed no more than *three (3*) days following the event.

e) A permit for the placement of a non-profit announcement sign allowed by this subsection shall not be required, provided, however, that the duly appointed representative who erects a non-profit announcement sign shall register said sign with the City providing the date on which said sign was first placed on site.

f) Any person or entity who registers non-profit announcement signs allowed by this subsection shall pay to the City a non-refundable fee in the amount of ten dollars ($10.00) per sign.

g) Upon registration and receipt of fees, the City will issue tags for such banners which must be affixed to the banners for the duration of their installation. Any banner not bearing such a tag shall be deemed to be in violation of the Ordinance and prompting enforcement action.

17) Temporary Construction - Announcement Signs. An office or retail business shall be permitted to construct a temporary sign announcing the prospective opening of the business at that site while the business is under the permitting process and construction. Such temporary construction signs shall be erected for a maximum of six (6) months and shall be no larger than eight feet (8') in height above natural grade by eight feet (8') in width.

18) Temporary Construction - Additional Signs. Any office or retail business which is permitted a temporary construction announcement sign authorized in Paragraph 17 above, shall be issued a permit for two (2) additional signs which may be used to announce the contractor, subcontractors, architects, engineers, or financial institutions associated with the project. The determination of which entities are permitted to use any such signs authorized by this subsection shall be at the discretion of the owner of the property. Each such sign authorized by this subsection shall be no larger than eight feet (8') in height above natural grade by four (4') in width.

19) Ancillary Signs. A business or other entity shall be allowed up to three (3) ancillary signs placed on the door or exterior wall or window of the premises. No permit will be required under this Ordinance for such ancillary signs. All ancillary signs shall be no larger than four square feet (4') in total sign area.

SECTION 7.0

SPECIAL EVENT SIGNS: Special Event Signage, both announcement and directional as defined in this Ordinance shall be permissible so long as the Event organizer submits an Event Signage Plan that includes:

1) The number of Special Event Directional and Announcement Signs to be installed.

    a) Special Event Announcement Signage. If the event is not related to a Non-profit as discussed above, the Event organizer shall be allowed one on-site and as many as four off-site Special Event Announcement Signs shall be allowed. Such signage shall be permissible so long as it is installed no earlier than *five (5)* days prior to an event and is removed no less than *one (1)* day following an event.

    b) Special Event Directional Signage. The Event organizer may place as many as ten (10) Special Event Directional Signs throughout the community. Such signs may be installed no more than eight (8) hours prior and removed no later than four (4) hours after then event. Such signage may contain the name or logo of the event and directional information only.

2) A map approximating the location of such Special Event Directional Signage and indicating the location of the Special Event Announcement Signage.

3) A designated contact person responsible for the signs' installation and removal.

4) The plan shall be accompanied by a *one hundred dollar ($100.00)* non-refundable fee.

5) Following approval of the Plan, the Event organizer will be provided with tags by the City for placement on the signage to indicate compliance. Any Special Event with Signage not bearing such a tag shall be found to be in violation of this Ordinance and may prompt enforcement action.

SECTION 8.0

OBSOLETE SIGNS: Signs which have been abandoned or have become obsolete due to the closing of a business, change in the nature or name of the business establishment, or for any other reason rendering the sign non-applicable to the property upon which it is displayed, shall be removed by the owner *as provided in Chapter 216.003 of the Local Government Code.*

SECTION 9.0

NONCONFORMING SIGNS:

1) Signs lawfully in existence as of the effective date of this Ordinance and those lawfully in existence pursuant to previous City Ordinances shall be considered and deemed as lawfully existing nonconforming signs and may be continued as such.

2) Notwithstanding the foregoing, the person or entity who is in ownership or control of the property on which such sign is located shall be required to register such signs with the City, at no fee, and otherwise comply with all requirements of this Ordinance relating to nonconforming signs and sign structures.

3) Lawfully existing nonconforming signs shall be kept in good repair and visual appearance and no structural or message alterations shall be made thereto. In the event that more than fifty-

percent (50%) of the area of a lawfully existing nonconforming sign is damaged or changed, the sign shall be removed, made to conform or replaced with a conforming sign.

4) When a nonconforming sign is replaced, the replacement sign must comply in all respects with this Ordinance. The installation of any new sign is prohibited on a site while a non-conforming sign remains in use.

SECTION 10.0

ENFORCEMENT: The City shall undertake the enforcement of this Ordinance using the following protocols:

1) The Building/ Code Enforcement Department, Police Department and City Maintenance Department shall have the authority to make inspection of signs.

2) The Building/ Code Enforcement Department shall make weekly inspections of signs throughout the community.

3) If a sign is found improperly installed in the Right of Way it shall be removed immediately.

4) If the sign meets the definition of a snipe sign as defined in this Ordinance it shall be immediately removed and destroyed.

5) If any other type of sign is removed from the Right of Way it shall be held at the City's Maintenance Facility for ten (10) days after which time it shall be destroyed. Signs shall not be released to the owner until such time as they appear at City Hall, remit a claim fee of five dollars ($5.00) and sign a statement acknowledging that the installation of the sign was a violation of this Ordinance.

6) If a sign on Private Property is be found to be in violation of this Ordinance, the owner of the property shall be notified in writing of their violation and they shall be granted ten (10) days to remove the violating sign. If the sign has not been removed within that period the owner shall be cited and may be subject to the Penalty provisions of this Ordinance as defined in Section 20.0.

7) Repeated violations of this Ordinance on a Property shall result in immediate citation without further notification.

Any violation of the Ordinance found may result in the revocation of permits as allowed under Section 17.0 and potentially a fine as described in Section 20.0 of this Ordinance.

SECTION 11.0

APPLICATION TO EXTRATERRITORIAL JURISDICTION: The regulations established this Ordinance are hereby applicable to all signs located in the extraterritorial jurisdiction of the City, as established by Chapter 42 of the Texas Local Government Code.

SECTION 12.0

PERMITS: It is unlawful for any person to place, locate, relocate, erect, construct, replace or alter the size or shape of any sign, including the face or other integral part thereto, or to thereafter make use of a sign without having first obtained a sign permit from the City, except as otherwise provided in this Ordinance.

SECTION 13.0

PERMIT EXEMPTIONS: A sign permit is not required:

1) To repaint a sign or to restore a sign to its original condition if the sign otherwise complies with this Ordinance; and/ or

2) To periodically change only the letters, numbers or message portion of a lawful sign specifically designed for that purpose.

SECTION 14.0

APPLICATION AND PERMITS: The application for a sign permit, together with an application fee in the amount of seventy-five dollars ($75.00), shall be submitted on such forms provided by the City and must be accompanied by the information, drawings and descriptive data required by the Building Official to ensure proper regulation of the sign and the ensure compliance with this Ordinance. The permit application fee required by this section shall not be required for noncommercial signs, but non-commercial signs shall comply with this Ordinance in all other respects.

SECTION 15.0

ISSUANCE OF PERMITS: If the plans and specifications for a sign set forth in any application for a permit conform to all of the requirements of this Ordinance, and any other applicable City regulations, the Building Official shall issue the appropriate permit.

SECTION 16.0

DURATION: Unless earlier revoked, a sign permit to construct, erect, locate, or place is valid for 180 days from the date of issuance.

SECTION 17.0

REVOCATION: A sign permit may be revoked for violation of this Ordinance. The Building Official shall give prior written notice of a proposed revocation to the permittee and an opportunity to respond to the reasons for revocation within ten (10) days of said written notice. The permit shall not be revoked prior to the expiration of ten (10) days from the date of such written notice.

SECTION 18.0

APPEAL: Any person aggrieved by a decision of the Building Official in the application of this Ordinance may appeal the decision to the Planning and Zoning Commission of the City by delivering, in writing, a notice of appeal stating therein the decision complained of and the reasons for appeal. The Planning Commission shall hear the appeal at its next regularly scheduled meeting; provided, however, that the appeal shall be heard within thirty (30) days of the filing of the appeal. Any decision of the Planning Commission with respect to an appeal heard under this section may be further appealed to the City Council of the City in the same manner the appeal was made to the Planning Commission. The City Council shall hear the appeal at its next regularly scheduled meeting; provided, however, that the appeal shall be heard within thirty (30) days of the rejection of the appeal by the Planning and Zoning Commission.

SECTION 19.0

VARIANCE: In the event that a property owner wishes to install a nonconforming sign after the effective date of this Ordinance they may apply for a Variance from the Ordinance.

1) The application for Variance shall be made on a form provided by the City and must include any drawings, specifications and other information deemed pertinent to explain hardship or other causal factor justifying relief from this Ordinance. The application along with a seventy-five dollar ($75.00) non-refundable Variance application fee shall be submitted to the Building Official.

2) The Building Official shall then submit the application for consideration by the Planning Commission at its next regularly scheduled meeting; provided, however that the Variance request shall be heard within thirty (30) days of the receipt of the application. Any decision of the Planning Commission with respect to a Variance request heard under this section may be further appealed to the City Council of the City in the same manner the appeal was made to the Planning Commission without additional fee.

SECTION 20.0

PENALTY: Any person, corporation, or entity who or which intentionally, knowingly, recklessly or with criminal negligence violates any provision of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined in an amount not to exceed $500.00 each day in which any violation shall occur, or each occurrence of any violation, shall constitute a separate offense.

SECTION 21.0

REPEALING CLAUSE: All provisions in conflict with the provisions of this Ordinance shall be, and the same are hereby repealed, and all other provisions not in conflict with the provisions of this Ordinance shall remain in full force and effect.

SECTION 22.0

SEVERABILITY CLAUSE: That if any provision, word, sentence, paragraph, clause, phrase or section of this Ordinance or its application to any person or circumstances is adjudged or held invalid, void or unconstitutional, the invalid, void or unconstitutional portion shall not affect the validity of the remaining portions of this ordinance which shall remain in full force and effect.

SECTION 23.0

PUBLICATION: The City Secretary is hereby authorized and directed to publish the caption of this ordinance in the manner and for the length of time prescribed by law.

SECTION 24.0

EFFECTIVE DATE: This Ordinance shall take effect on the first (1st) day of March, 2012.

Thomas C. Kuykendall Jr.

Thomas C. Kuykendall Jr., Mayor

ATTEST:

D. Gordon Offord, City Secretary