

**ORDINANCE NO. 2026-08**

**AN ORDINANCE OF THE CITY OF BRECKENRIDGE, TEXAS AMENDING CHAPTER 19 “SIGNS”, ARTICLE III “SIGN STANDARDS” OF THE BRECKENRIDGE CODE OF ORDINANCES BY AMENDING SECTION 19-21 “FUNCTIONAL STANDARDS” TO REVISE REGULATIONS CONCERNING BANNER SIGNS WITHIN THE CITY; PROVIDING REPEALER AND SEVERABILITY CLAUSES; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City of Breckenridge, Texas (the “City”) is a home-rule city operating pursuant to its Charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution;

**WHEREAS**, the City has the power to adopt ordinances “necessary to protect health, life, and property” within the City, as long as those ordinances are not inconsistent with State law, pursuant to Section 3.2 of the Charter;

**WHEREAS**, pursuant to Section 216.901 of the Texas Local Government Code, home-rule cities may “license, regulate, control, or prohibit the erection of signs or billboards...by ordinance” and, pursuant to Section 216.902 of the Texas Local Government Code, a city “may extend the provisions of its outdoor sign regulatory ordinance and enforce the ordinance within its area of extraterritorial jurisdiction”;

**WHEREAS**, the City Commission of the City of Breckenridge (the “City Commission”) has adopted regulations concerning signs within the City as Chapter 19 of the Breckenridge Code of Ordinances; and

**WHEREAS**, the City Commission wishes to revise regulations concerning banner signs within the City.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF BRECKENRIDGE, TEXAS THAT:**

**I. Amendment of Section 19-21.** Chapter 19 “Signs”, Article III “Sign Standards”, Section 19-21 “Functional Standards” of the Breckenridge Code of Ordinances is hereby amended in the following, and all articles, chapters, sections, paragraphs, sentences, phrases, and words not expressly amended hereby are hereby ratified and affirmed.

**Sec. 19-21. Functional Standards.**

(a) General Sign Provisions. All signs located or to be located within the city shall conform to the general provisions set forth in this chapter. In addition, the following specific requirements shall be followed: All structures will be of the monopole and dual-pole design and require an engineer’s seal on drawings.

(b) Agricultural Signs. All agricultural signs shall be no less than three hundred (300) feet from any other agricultural sign.

(c) Awning Signs. Awning signs are subject to size regulations for wall signs. If an awning and wall sign are used in conjunction with one another, the total footage of both signs must be added together to determine the total allowable square footage under this chapter.

(d) Banner Signs. Temporary banner signs may be used for advertisement of events, activities, products or commodities as provided below or as approved, in writing, by the City Manager:

(1) Banner Signs for Non-profit Agencies. Off-premise and on-premise temporary banner signs may be used to advertise activities or events that are sponsored by a non-profit organization, governmental agency, or community group to benefit a program or activity of that agency or group under the following conditions:

(A) Non-profit agencies submitting an application for a banner under this section must provide a certificate of non-profit status issued by the Internal Revenue Service.

(B) No more than one (1) on-premise and no more than two (2) off-premise banners may be erected for any specific event or activity for a period not exceeding fourteen (14) days.

(C) Such banners shall not exceed three or three and one-half by forty feet.

(D) Entities requesting to place a banner pursuant to this section must apply for a permit as prescribed by this chapter. Applications must be submitted at least thirty (30) days in advance of the desired installation date and may be submitted up to 6 months in advance. Applications must include:

(i) Completed city application form and TXDOT Temporary Permit form (to be provided by the City);

(ii) Proof of 501(c)(3) status (if applicable);

(iii) Certificate of liability insurance with minimum coverage of \$1,000,000.00 per occurrence, naming the City as an additional insured under the policy;

(iv) Banner design proof; and

(v) Payment of applicable fee in one-half of the amount of the permit fee established in the Fee Schedule.

(E) The placement of such banners shall meet the terms of this chapter or written direction of the City Manager and shall be maintained during the period of time they are erected. Banner signs proposed under this section may be placed in or over public rights-of-way only upon approval of the building inspector and all applicable public agencies. The city may remove any banner signs not adequately maintained over public right-of-way.

(F) Non-profit banner signs must be braced across the top with a rigid support, such as a metal rod, PVC pipe, or some other means of support to prevent the banner from sagging. The city may remove any banner signs that are displayed without meeting these bracing requirements. Banners signs must be composed of mesh and must be clean, tear-free, and fade-resistant.

(G) Banners permitted under this section may be displayed no more than fourteen (14) days prior to the advertised event and must be removed within twenty-four (24) hours after the event concludes. Banners will be installed and removed with oversight of City personnel on the first workday of the week, weather permitting. Fees for installation and removal of the signs are the responsibility of the applicant.

(G) Non-profit banners with expired permits must be removed within twenty-four (24) hours of the permit expiration.

(2) Banner Signs for all other Advertising Purposes. On-premise temporary banners are hereby authorized under the following conditions:

(A) Banners shall not exceed sixty (60) square feet in area.

(B) The placement of banners shall meet the terms of this chapter and shall be maintained during the entire time they are erected.

(C) Banners are required to be permitted by the building inspector prior to installation and are subject to all required fees.

(D) No more than one (1) on-premise and no off-premise banners may be permitted for any specific business.

(E) Banners may advertise specific onsite special events, product, or commodity promotions or grand openings, or shall provide leasing information but may not be used for general advertising purposes.

(F) Banner permits will be valid for a period not to exceed thirty (30) days and additional banner permits for the same location will not be issued for a period of thirty (30) days from the expiration date of the previous permit.

(G) Grand opening banners may be used for a period of up to thirty (30) days any time after the issuance of a certificate of occupancy. Businesses may only use this provision one (1) time.

(H) Coming soon banners may be used prior to the issuance of a certificate of occupancy, for a period of up to sixty (60) days.

(I) Change of business banner. A "name only" banner may be used for a period of up to thirty (30) days after a sign permit has been applied for, and while a new sign is being made.

(J) Going out of business banners may be used for a period of up to sixty (60) days before the closing of a business. Businesses may only use this provision one (1) time.

(K) A banner with an expired permit must be removed within twenty-four (24) hours after the permit's expiration.

(e) Canopy Signs. Canopy signs shall not exceed fifteen (15) square feet in size or fifty (50) per cent of the canopy face area per canopy facade, whichever is less. Signs must be attached directly to the exterior face of the canopy band. Signs shall not extend above or below the canopy band.

(f) Changeable Electronic Variable Message Signs (CEVMS). CEVMS signs are subject to the same size and location restrictions as other signs regulated by this article. In addition, CEVMS signs are subject to the following restrictions:

(1) Any change of pictures or information on the CEVMS sign shall not produce the illusion of blinking, flashing, expanding or contracting shapes, rotation or any similar effect of animation. Scrolling of text is allowed, however, it shall not last any longer than five (5) seconds.

(2) There shall be a minimum period of five (5) seconds between any change of pictures, information, or scrolling on the CEVMS.

(g) Construction Signs. Construction signs shall be removed from the site upon issuance of a certificate of occupancy.

(h) Development Signs. Development signs shall be removed from the site at the developer's expense upon seventy-five (75) per cent occupancy of the subdivision.

(i) Directional Signs. All directional signs shall be no less than two hundred (200) feet from any other directional sign.

(j) Directory Signs. Directory signs shall be located a minimum of thirty (30) feet from adjoining property lines on lots with two hundred (200) feet of frontage and over, a minimum of twenty (20) feet on lots with over one hundred (100) feet of frontage and less than two hundred (200) feet of frontage, and a minimum of ten (10) feet on lots with one hundred (100) feet of frontage or less, and a minimum of sixty (60) feet from any other free standing sign. The maximum area for directory signs shall not exceed forty (40) square feet per tenant within a site. In no case shall a separate directory sign and identification sign be permitted on the same frontage. Both signs shall only be allowed along the same frontage as one (1) combined sign. The allotment of the total allowed area shall be the responsibility of the subdivision or site owner; however, in no case shall any one (1) tenant or business be allowed more than fifty (50) per cent of the total allowed sign area.

(k) Central Business District Signs. All signs in the downtown central business district shall be designed, constructed and affixed so as to promote and not visually obscure the significant architectural features of the district and its buildings. The Central Business District is defined as the area of downtown bounded by Dyer/Hullum Streets and McAmis/Veale Avenues (Blocks 1-22 and 74, Original Town, and Block 9, Curry Addition).

(1) Conflict Between Subsections. Where there is conflict between the sign standard regulations in this Chapter 19, this Section 19-21(k) shall govern in this district. Requirements in this section are applicable only in the Central Business District (CBD); however, other requirements within this chapter may be applicable to this section.

(2) Functional/Structural Types Permitted. The following permitted functional uses shall be limited to the associated structural types of signs:

- (A) Nameplate Signs:
  - (i) Wall
  
- (B) On-Premise Signs:
  - (i) Wall signs
  - (ii) Ground signs
  - (iii) Awning, canopy, marquee
  - (iv) Projecting
  - (v) Sandwich board
  
- (C) Real Estate Signs:
  - (i) Wall

(3) Number of Signs Permitted.

- (A) Nameplate: One (1) per storefront.

(B) On-Premise Signs: Awning, canopy, marquee, and either one (1) wall sign per each individual wall for each lease space or one (1) projecting sign, and one (1) ground sign per platted lot, and one (1) portable sandwich board per building.

(C) Real Estate: One (1) per storefront.

(4) Maximum Gross Surface Area.

(A) Nameplate: Two (2) square feet.

(B) Projecting Signs: Twenty-five (25) square feet.

(C) Real Estate: Sixteen (16) square feet.

(D) Wall Signs: Fifteen (15) percent of the wall.

(E) Awning, Canopy, and Marquee: Twenty-five (25) percent of the awning, canopy, or marquee.

(5) Maximum Height. No sign shall protrude above the roof or eave line of the principal structure. Projecting signs shall be a minimum of eight (8) feet above sidewalk grade and shall not protrude above the roof or eave line of the principal structure.

(6) Required Setback: Property line, unless obstructing view of traffic.

(7) Illumination. Illuminated signs are permitted for nameplate and on-premise signs only.

(l) General Business Signs. Each free standing building shall be allowed one (1) free standing sign. Such free standing signs shall be located a minimum of thirty (30) feet from adjoining property lines on lots with two hundred (200) feet of frontage and over, a minimum of twenty (20) feet on lots with over one hundred feet (100) and less than two hundred (200) feet of frontage and a minimum of ten (10) feet on lots with one hundred (100) feet of frontage or less, and a minimum of sixty (60) feet from any other free standing sign. A business shall be allowed any number of attached wall, projection or marquee signs so long as the total face area of the attached signs does not exceed ten (10) per cent of the front face area of the building or store front as established in approved plans submitted to the city, or sixty (60) square feet, whichever is greater, or exceed six (6) feet in height. A pole sign is required to have a minimum of seven (7) feet clearance from grade to the bottom of the sign cabinet.

(m) Identification Signs. Identification signs shall be located a minimum of thirty (30) feet from adjoining property lines on lots with two hundred (200) feet of frontage and over, a minimum of twenty (20) feet on lots with over one hundred (100) feet and less than two hundred (200) feet of frontage, and a minimum of ten (10) feet on lots with one hundred (100) feet of frontage or less and a minimum of sixty (60) feet from any other free standing sign.

(n) Model Home Signs. All model home signs shall be removed after a certificate of occupancy is issued for the structure.

(o) Off-premises Signs. Off-premises signs, other than those specifically permitted by this chapter, are prohibited.

(p) Political Signs. A person commits an offense if a person displays a political sign on private property unless a person has the permission of the property owner and the sign:

- (1) Is not more than (8) feet high;
- (2) Has an effective area less than thirty-six (36) square feet;
- (3) Is not illuminated;
- (4) Does not have any moving elements; and
- (5) Is not generally available for rent or purchase to carry commercial advertising or other messages that are not primarily political.

(q) Real Estate Signs. All temporary commercial real estate signs are issued for a period not to exceed one (1) year, and must be renewed annually. At the time of renewal the building inspector shall inspect the sign to insure compliance with all standards and requirements of this chapter.

(r) Temporary Realtor Open House Directional Signs. Temporary realtor open house directional signs shall be no larger than twenty-four (24) by thirty (30) inches in size (five (5) square feet) and cannot be higher than three (3) feet above grade. No sign may be placed closer than thirty (30) feet from an intersection and cannot be placed in the center median. Signs cannot be placed any closer than six (6) feet from the back of the curb or from the edge of the pavement. These signs shall not obstruct the vision of traffic on the roadway. Any signs determined to be in a location that causes an immediate hazard to public safety may be immediately removed by the city. Signs must only direct traffic to properties located within the city limits. The sign may contain the words “Open”, or “Open House,” as well as a directional arrow. The signs must contain the name of the realty company, the name of the listing agent and a current phone number (cell phone) on the back of the sign. No more than two (2) off-premise signs and one (1) on-premise sign per “Open House” will be allowed. Signs must be kept well painted and in good repair. Signs must be made of metal and/or plastic. Signs cannot be made of wood or paper. Signs must be self-supporting and placed into the ground. These signs cannot be placed on a utility pole, street light pole, sign pole, fence, tree, or any other manmade or natural feature. Signs cannot be illuminated. Placement of these signs will only be allowed during the hours of 1:00 p.m. until 5:00 p.m. on Saturdays and Sundays.

(s) Weekend Development Directional Signs. A sign permit must be obtained from the city before weekend development directional signs can be placed. The permit will allow the permit holder to place a maximum of four (4) weekend development directional signs per development, at locations throughout the city. The signs are only allowed from 6:00 p.m. on Friday until 6:00 p.m. on Sunday. Any signs being displayed without an approved permit or at any time other than the above-mentioned times will be removed by the city.

The signs may contain the name of the subdivision, a directional arrow and the words “New Homes For Sale” and/or “New Model Homes,” only. In order for the city to contact the developer if the need arises, the signs must contain the name of the developer and a current phone number. The sign shall be no larger than six (6) square feet and cannot be higher than four (4) feet above grade. No sign may be placed closer than thirty (30) feet from an intersection, closer than six (6) feet from the back of the curb or from the edge of the pavement and shall not be placed in the center median.

If the sign is to be placed on private property, written permission must be obtained from the property owner and provided to the city with the permit application. These signs shall not obstruct the vision of traffic on the roadway. Any signs determined to be in a location that causes an immediate hazard to public safety may be immediately removed by the city.

Signs must only direct traffic to properties located within the city limits. Weekend development directional signs shall be no less than sixty (60) feet from any other weekend development directional sign. The sign must be made of metal, including a full metal frame with two (2) supporting legs. The sign must be self-supporting and placed into the ground and shall not be placed on a utility pole, street light pole, sign pole, fence, tree, or any other manmade or natural feature. The sign must be kept well painted and in good repair. The sign shall not be illuminated.

**II. Repeal.** Any prior ordinances or ordinance provisions are hereby repealed to the extent they are in conflict with the terms of this Ordinance. Any remaining provisions of said ordinances shall remain in full force and effect.

**III. Severability.** Should any section, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. The City Commission hereby declares that it would have passed this Ordinance, and each section, subsection, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, clauses, or phrases be declared unconstitutional or invalid.

**IV. Open Meetings.** It is officially found, determined and declared that the meeting at which this Ordinance is adopted was open to the public and public notice of the time, place and subject matter of the public business to be considered at such meeting, including this Ordinance was given, all as required by Chapter 551, as amended, Texas Government Code.

**V. Effective Date.** This Ordinance shall become effective immediately upon its adoption by the City Commission.

PASSED, APPROVED, AND ADOPTED on this the 7<sup>th</sup> day of April 2026.

ATTEST:

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Bob Sims, Mayor

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Jessica Sutter, City Secretary

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