

Language from Section 22-8 being removed

Language being added

ORDINANCE NO. 2023-03

AN ORDINANCE OF THE CITY OF BRECKENRIDGE, TEXAS BY ADDING CHAPTER 19, “SIGNS”, TO THE BRECKENRIDGE CODE OF ORDINANCES AND AMENDING CHAPTER 22, “ZONING”, OF THE BRECKENRIDGE CODE OF ORDINANCE; ADOPTING REGULATIONS REGARDING SIGNS WITHIN THE CITY; AMENDING REGULATIONS REGARDING SIGNS IN THE CENTRAL BUSINESS DISTRICT; PROVIDING A PENALTY; 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, pursuant to this authority, the City Commission of the City of Breckenridge (the “City Commission”) wishes to adopt amended regulations concerning signs within the Central Business District of the City and to relocate the general sign regulations to a separate to aid in the efficiency of future revisions; and

WHEREAS, because this Ordinance amends Chapter 22, “Zoning”, of the Breckenridge Code of Ordinances, pursuant to Sections 211.006 and 211.007 of the Texas Local Government Code, the Breckenridge Planning and Zoning Commission and the City Commission held public hearings regarding this Ordinance on December 5, 2022 and December 6, 2022, respectively, for which proper notice was given.

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

I. Incorporation of Premises. The above and foregoing premises are true and correct and are incorporated herein and made a part hereof for all purposes.

II. Amendment to Chapter 22. Chapter 22, “Zoning”, of the Breckenridge Code of Ordinances is hereby amended by deleting and reserving Section 22-8.

III. Addition of Chapter 19. The following provisions are hereby enacted to regulate signs within the City, to be codified as Chapter 19, “Signs”, of the Breckenridge Code of Ordinances:

CHAPTER 19. SIGNS

ARTICLE I. IN GENERAL

Sec. 19-1. Purpose.

The purpose of this Chapter is to provide a uniform sign ordinance and standard which promote a positive city image reflecting order, harmony, and pride; and thereby strengthening the economic stability of the Breckenridge business community, as well as cultural and residential areas. Objectives to be pursued in applying specific standards are as follows:

- (a) To identify individual business, residential, and public uses without creating confusion, unsightliness, or visual obscurity of adjacent businesses.
- (b) To assure that all signs in terms of size, scale, height, and location are properly related to the overall adjacent land use, character, and development lot size.
- (c) To assure that all signs, sign supports, and sign bases shall be so constructed and designed to provide for design compatibility with development in terms of materials used, form, color, lighting, and style.
- (d) To accommodate the free speech right to express ideas by displaying a sign, while balancing this right against the cumulative public impacts of signs.

Sec. 19-2. General Provisions.

(a) It shall be unlawful for any sign to be located with the City of Breckenridge that does not conform to all the provisions, standards, and procedures of this Chapter. The following governmental agencies are exempt from the provisions of this Chapter: (1) City of Breckenridge, (2) State of Texas, and (3) United States Federal Government.

(b) Persons Responsible. The permittee, owner, agent, person, or persons having the beneficial use of the ground of a sign, the owner of the land or structure on which the sign is located, and the person in charge of erecting the sign are all subject to the provisions of this Chapter and are subject to the penalty provided for violations of this Chapter.

(c) Pursuant to Chapter 216 of the Texas Local Government Code, the City Commission of the City of Breckenridge hereby extends the provisions of this Chapter to the City’s extraterritorial jurisdiction.

(d) Penalties. Violations of the terms of this Chapter shall be punishable as stated in Sec. 1-6 of this Code.

Sec. 19-3. Definitions.

- (a) Commercial Message. An image on a sign that proposes or promotes a commercial transaction, or concerns the economic interest of the advertiser and/or the audience.
- (b) Erect. To build, construct, attach, hang, place, suspend, or affix.
- (c) Face or surface. The surface of the sign upon, against, or through which the message is displayed or illustrated on the sign.
- (d) Front Building Face. That building face that is the primary access into a building or lease space, as determined by the Building Inspector. The determination of front building face applicable to building spaces within a multiple occupancy building shall include all building frontage that is integral to the lease space and constructed as storefront for the purpose of visibility and/or access. The area of the front building face shall be height or the vertical plane from the ground to the top of the building times the length of the front building face, exclusive of any architectural features or roof lines, as determined by the Building Inspector.
- (e) Gross Surface Area of Sign. The entire area within a single continuous perimeter enclosing the extreme limits of each sign. A sign having information on two (2) surfaces shall be considered as a single sign providing that the surfaces are located back to back and contain identical copy. A sign having information on two (2) or more surfaces with different copy shall be calculated as the sum of all portions and evaluated as a single sign. In the event two (2) or more signs share a single structure, i.e., directory signs, or signs on v-shaped structures, each sign or panel shall be considered separately for square footage purposes, provided that the combined area of such signs cannot exceed the total square footage allowed on a single sign.
- (f) Height. The height of a sign shall be measured from an average elevation of the finished grade along the area of sign installation, excluding any artificial berming, to the highest point of the sign.
- (g) Incombustible Material. Any material which will not ignite or at below a temperature of one thousand two hundred degrees Fahrenheit (1,200 F), and will not continue to burn or glow at that temperature.
- (h) Logo. Any formalized design or insignia of a company or product, which is commonly used in advertising to identify that company or product.
- (i) Noncommercial Message. A message that visually displays speech or images not pertaining to commercial matters. Noncommercial messages commonly concern religion, politics, social commentary, and other matters of public debate.
- (j) Premises. A lot or unplatted tract or combination of contiguous lots or tracts if under single ownership as reflected in the plat records.
- (k) Setback. A line defining an area on the site between the existing street right-of-way and the line within which no sign shall be constructed, encroach, or project except as specifically authorized by this Chapter.
- (l) Sign. Every sign, name, number, identification, description, announcement, declaration, demonstration, device, display, flag, banner, pennant, illustration, beacon, light, or insignia, and

structure supporting any of the same, affixed directly or indirectly to or upon a piece of land, which directs attention to any object, product, service, place, activity, person, institution, organization, or business.

(m) Sign, abandoned. Any sign without a current, valid permit or that does not identify or advertise a bona fide business, lessor, service, owner, product, event, or activity, or pertains to a time, event, or purpose that no longer applies.

(n) Sign, apartment. Any sign identifying an apartment building or complex of apartment buildings.

(o) Sign, agricultural. Any sign identifying the farm or ranch on which it is placed and advertising the produce, crops, animals, or poultry raised or quartered thereon.

(p) Sign, awning. A sign that is applied or attached to an awning or other cover intended for protection from the weather or as a decorative embellishment, projecting from a wall or roof of a structure over a window, walk, door, or the like.

(q) Sign, banner. A temporary sign generally constructed of cloth, plastic, or paper.

(r) Sign, canopy. A sign that is applied, attached, or affixed on a canopy or other roof-like cover over gasoline fuel pumps, vacuum area at car detail facilities, or other areas where services are provided to a patron in a vehicle intended for protection from the weather or as a decorative embellishment. A canopy sign may contain only the business' name and/or logo on the canopy band.

(s) Sign, changeable electronic variable message (CEVMS). A sign that permits light to be turned on or off intermittently or which is operated in a way whereby light is turned on or off intermittently including any illuminated sign on which such illumination is not kept stationary or constant in intensity and color at all times when such sign is in use including an LED light emitting diode or digital sign which varies in intensity or color. A CEVMS sign does not include a sign located within the right-of-way that functions as a traffic control device and that is described and identified in the Manual on Uniform Traffic Control Devices (MUTCD) approved by the Federal Highway Administrator as the National Standard.

(t) Sign code application area. The corporate limits of the city and the area of its extraterritorial jurisdiction.

(u) Sign, construction. Any temporary sign identifying the property owner, decorator, or financier engaged in the design, construction, or improvement of the premises on which the sign is located.

(v) Sign, directional. A temporary sign which is limited, exclusively, to the identification of a specific premises, occupancy, or owner of said premises located elsewhere, and which tells the location of and/or route to said premises or occupancy.

(w) Sign, identification. Any sign that is used to identify shopping centers, industrial and commercial parks, office districts, and retail districts. These signs are not intended to identify individual businesses or activities within a center or district.

- (x) Sign, illuminated. Any sign which has characters, letters, figures, designs, or outline illuminated by electric lights. These lights shall not interfere with traffic or surrounding land use.
- (y) Sign, institutional. An accessory sign relating to a church, school, or other public institution.
- (z) Sign, marquee. Any sign upon which letters may be attached and removed freely.
- (aa) Sign, mobile home. An accessory sign identifying the name and address of a mobile home park and promoting the sale or rental of mobile home sites.
- (bb) Sign, model home. Any temporary sign used for the advertised sale of a particular structure represented by a model or show home.
- (cc) Sign, name plate. An accessory sign identifying the name and address of the owner or occupant in a commercial or public institutional building.
- (dd) Sign, nonresidential identification. Any sign that is used to identify shopping centers, industrial and commercial parks, office districts, and retail districts. These signs are not intended to identify individual businesses or activities within a center or district.
- (ee) Sign, off-premise. A sign displaying advertising copy that pertains to a business, person, organization, activity, event, place, service, or product not principally located or primarily manufactured or sold on the premises on which the sign is located.
- (ff) Sign, on-premise. A sign identifying or advertising a business, person, or activity, and installed and maintained on the same premises as the business, person, or activity.
- (gg) Sign, pedestrian. Any sign suspended from an awning or canopy oriented to pedestrian or street-level visibility.
- (hh) Sign, permanent. A sign intended to be used for a period of longer than six (6) months.
- (ii) Sign, pole. Any permanent free-standing pole sign, using either monopole or dual-pole design.
- (jj) Sign, political. Any temporary sign used to advertise a political candidate's or party's bid for elective office.
- (kk) Sign, projecting. Any sign that projects, either horizontally or vertically, from a building and that has one (1) end attached to that building or other permanent structure.
- (ll) Sign, real estate. Any temporary sign used to advertise the sale or lease of a piece of real property.
- (mm) Sign, sandwich. Any two-sided, A-frame, free-standing portable sign with permanent wording or artwork.
- (nn) Sign, temporary realtor open house directional. Any temporary sign used for directing realtors and potential home buyers to homes for sale within the city which are open for public viewing.

(oo) Sign, traffic. Any sign used for traffic control purposes.

(pp) Sign, wall. ~~Any sign that is attached to the face of a wall, including windows or doors, to advertise businesses in that building.~~ A sign fastened to or painted on a wall of a building or structure in such a manner that the wall becomes merely the supporting structure or forms the background surface, and which does not project more than twelve (12) inches from such building.

(qq) Sign, weekend development directional. A temporary sign that is limited exclusively to the identification of a development, constating of more than one (1) lot available for new construction and that indicates the route to said development. For the purposes of this definition, a development shall be inclusive of all phases.

(rr) Sign, window. Any sign painted or applied to window glass.

(ss) Temporary. A period of six (6) months or until the advertised event is concluded, whichever comes first. If the sign is required for a longer period of time, then re-application must be made.

Sec. 19-4—19-9. Reserved.

ARTICLE II. SIGN PERMITS

Sec. 19-10. Sign Permit Requirements.

(a) Permit Required. It shall be unlawful for any person to erect, replace, alter or relocate any sign without first obtaining a permit to do so from the building inspector within the City of Breckenridge, except as provided in Section 19-11. A permit is not required to repaint, change copy, or resurface an existing sign. Every permit issued by the building inspector under the provisions of this chapter shall expire and become null and void if the work authorized by such permit is not commenced within one hundred eighty (180) days from the date of such permit, or if the work authorized by such permit is suspended or abandoned at any time after the work is started, for a period of one hundred ninety (190) days.

(b) Issuance of Permit. After ensuring that the applicant has complied with all provisions of this chapter and that the proposed sign complies with all provisions of this chapter, the building inspector shall issue a sign permit to the applicant.

(c) Revocation. The building inspector may suspend or revoke any permit issued under the provisions of this chapter whenever he shall determine that the permit is issued in error or on the basis of incorrect or false information supplied, or whenever such permit is issued in violation of any of the provisions of this ordinance or any other ordinance of this city, of laws of this state or the federal government that were in effect at the time the permit was issued. Such suspension or revocation shall be effective when communicated in writing to the person to whom the permit is issued, the owner of the sign, or the owner of the premises upon which the sign is located.

(d) Validity of Permit. A permit is void if it is issued in conflict with the provisions of the sign ordinance. The building inspector shall inform the applicant should a permit be voided. The removal of the sign shall be at the expense of the applicant.

(e) Failure to Pay Permit Fees. If a sign should be installed, erected, replaced, altered, or relocated without a permit for such work, the applicable permit fee shall be doubled.

(f) Drawings Required. Before a permit will be issued, the applicant must submit an application, two (2) copies of a scaled drawing of the desired sign and a site plan showing the sign location. One (1) copy of the drawings will be kept on permanent file with the application.

(g) Inspections. All sign installations are to be inspected by the building inspector so as to determine compliance with the approved application and permit previously issued. Should the newly erected or placed sign be in violation with the approved permit application, the sign is to be corrected immediately and brought into compliance. The building inspector shall also inspect at times he deems necessary, each sign regulated by this chapter for the purpose of determining whether the sign is in need of removal or repair, or has been abandoned.

(h) Sign Information. Every sign erected after the passage of this chapter shall have displayed in a conspicuous place thereon, in letters not less than one (1) inch in height, the date of erection, the number of the permit issued pursuant to this chapter, and the voltage of any electrical apparatus used in connection therewith, and the sign erector's name and address.

(i) Wind Pressure and dead load requirements. All permanent signs shall be designed and constructed to withstand a wind pressure of not less than thirty (30) pounds per square foot of area, and shall be constructed to receive dead loads as required by the building code of the City of Breckenridge as it now exists or may hereafter be amended.

(j) Condition of signs. All signs and supports shall be maintained in good condition to prevent deterioration, oxidation, rust, and other unsightly conditions.

Sec. 19-11. Signs Exempt from Permitting Procedures.

Application for a permit shall not be required for the following signs, provided, however, such signs shall otherwise comply with all other applicable sections of this chapter.

(a) Noncommercial message and message substitution.

(1) Message substitution. A noncommercial message that is within the protection of the First Amendment to the U.S. Constitution may be substituted, in whole or in part, for any message on any sign authorized by this chapter. Message substitution is a continuing right that may be exercised any number of times. No permit is required for such message substitution, unless there is a change in the physical structure of the sign displaying the message. This provision does not authorize the substitution of an off-premise commercial message in place of an on-premise commercial message.

(2) Noncommercial messages. Properties zoned residential/multifamily may display any noncommercial message within the protection of the First Amendment to the U.S. Constitution on any parcel and at any time, subject to the following:

(A) Maximum effective area cannot be greater than sixteen (16) feet;

- (B) Cannot be more than five (5) feet high;
- (C) Cannot be illuminated or have moving elements; and
- (D) Are not prohibited by subsection 8-103.

- (b) Temporary political signs. See Section 19-21(p).
- (c) Occupational signs. Not exceeding two (2) square feet in area, denoting only the name and profession of an occupant in a commercial or public institutional building.
- (d) Memorial signs or tablets. Names on buildings and date of erection, when cut into any masonry surface or when constructed of bronze or other incombustible material.
- (e) Flags, emblems and insignia. Of any governmental body and decorative displays for holidays or public demonstrations and that do not contain advertising.
- (f) On-premise traffic signs. Not exceeding eight (8) square feet used primarily to denote entrances and exits and other directional information.
- (g) Residential real estate signs. Not exceeding five (5) square feet advertising the sale or lease of an individual residential structure.
- (h) Temporary realtor open house directional signs. See Section 19-21(r).

Sec. 19-12. Removal or Repair of Certain Signs.

All signs must be kept clean, neatly painted, free from all hazards, including, but not limited to, faulty wiring and loose fastenings, and be maintained in a safe condition at all times so as not to be detrimental to the public health and safety. In the event that the building inspector determines that any sign is not properly maintained, he shall give written notice to the person or persons responsible for such sign. If the sign is not repaired or removed within sixty (60) days of such notice, the permit shall be revoked and the building inspector is hereby authorized to cause the removal of the sign. If such sign cannot be demolished because it is painted on a non-sign structure, such sign shall be painted over or removed by sandblasting.

- (a) Any sign for which the building inspector or his designee has made the following determination, shall be subject to immediate removal without further notice to any party who may be affected by the removal:
 - (1) That the sign is located or erected, without permission, consent or authorization, on property either owned by the city or held by the city for public use, including but not limited to, property such as medians, parkways, streets, sidewalks, alleys or parks; or
 - (2) If the building inspector or his designee determines that sign is an immediate danger to the public, whether because of its location, the manner of its construction, its potential for causing fire, or any other reason, and must be removed to prevent potential danger to the public.

(b) Any expense incident thereto shall be paid by the owner of the land, building, or structure. The building inspector may also file a lien against the property in the amount of the cost of any and all such work.

(c) An exemption for signs with historic and artistic significance may be considered by the city commission.

Sec. 19-13. Nonconforming Signs.

(a) In General. Every sign or other advertising structure lawfully in existence upon adoption of this ordinance that violates or does not conform to the provisions hereof, shall not be moved, altered, repaired, expanded, or the use intensified unless it is made to comply with all the provisions of this ordinance. This provision shall not apply to repainting or changing copy on an existing nonconforming sign. It is prohibited to alter a nonconforming sign by converting it to a changeable electronic variable message sign (CEVMS). For purposes of this section, alteration or repair shall mean at least sixty (60) per cent of the replacement cost of the subject sign. The building inspector shall determine whether the proposed alteration or repair exceeds sixty (60) per cent of the replacement cost.

(b) Exception. If any nonconforming sign is removed as a result of any eminent domain action by the city, such sign shall be allowed to be replaced or reconstructed as long as such replacement or reconstruction occurs within sixty (60) days of the sign being removed.

Sec. 19-14—19-19. Reserved.

ARTICLE III. SIGN STANDARDS

Sec. 19-20. Structural Standards.

(a) General Sign Provisions. All signs located or to be located within the City of Breckenridge shall conform to the general provisions set forth in the sign standards table. In addition, the following specific standards shall apply.

(b) Marquee Signs. Marquee signs erected on the face of a marquee shall be built as an integral part of the marquee. Such sign faces shall not have a vertical height of more than four (4) feet, nor exceed seventy-five (75) per cent of the width of such building or store frontage, nor the sign standards of the sign standards table. Vertical clearance shall be subject to the requirements of subsection (e) of this section. No sign shall be allowed to overhang public property.

(c) Wall Signs. Wall signs may be painted on a window or door, but no other building surface. All other wall signs shall be attached to, and not painted onto any building. The sign brackets or supports for wall signs may not project more than two (2) inches from said wall. Such sign faces shall not have a vertical height of more than six (6) feet nor 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, nor exceed seventy-five (75) per cent of the width of such building or store frontage, nor the sign standards of the sign standards table. Vertical clearance shall be subject to the requirements of Section 19-20(e). When a building has frontage on two (2) or more public roads with no developed or developable property intervening, the allowable sign area may be calculated for each

building face that fronts a road. In no case shall more than the calculated maximum signage for any single face be placed on that face. In no case shall the allowable sign area of a building face, other than the front face, exceed the allowable sign for the front building face.

(d) Projection Signs. No sign shall be allowed to overhang public property. Vertical clearance shall be subject to the requirements of paragraph (5) of this section. Such sign faces shall not have a vertical height of more than four (4) feet, nor exceed seventy-five (75) per cent of the width of the building or store frontage, **nor the sign standards of the sign standards table.**

(e) Project of Marquee, Wall, and Projection Signs over Private Property. Projection of signs over private property allowed over pedestrian sidewalks, walkways, and corridors shall not exceed the following:

Vertical Clearance	Maximum Projection
7 feet or less	3 inches
7 feet to 8 feet	12 inches
8 feet or more	4 feet

Projection or overhang of sign over driveways shall have a minimum vertical clearance of fourteen (14) feet.

(f) Free Standing Signs.

(1) Any projection or overhanging portion of the sign must be a minimum of fourteen (14) feet above driveways, sidewalks, walkways, and corridors.

(2) Such signs shall be protected by wheel or bumper guards required by the Building Inspector when he determines that a hazard exists.

Sec. 19-21. Functional Standards.

(a) General Sign Provisions. All signs located or to be located within the City of Breckenridge shall conform to the general provisions set forth in the **sign standards table.** 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 follows:

(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 or governmental agency or 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 sixty (60) square feet.

(D) Banners erected by non-profit agencies under this section must apply for a permit as prescribed by this chapter, but shall be exempt from the permit fee requirements.

(E) The placement of such banners shall meet the terms of this chapter 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.

(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 the Sign Ordinance may be applicable to this section.

- (2) Regulations concerning the number of signs are as follows:
 - (A) Each building may have one (1) wall sign or projecting sign oriented to its primary or entrance frontage.
 - (B) A building located at a corner may also have one (1) wall sign oriented to its secondary or side-street frontage.
 - (C) Awning signs on awning faces may be used in lieu of a wall sign or projecting sign.
 - (D) In addition to a wall sign, projecting sign or awning face sign, a building may have one (1) pedestrian sign oriented to each street on which the premises have frontage, relating to each occupancy within the building.
 - (E) Each building is permitted one (1) sandwich sign.
 - (F) Buildings with public rear entrances may also have one (1) pedestrian sign oriented to the rear of the building, relating to each occupancy within the building.

- (3) The location of the signs are permitted as follows:
 - (A) No sign shall be allowed above the second story windows of a building.
 - (B) Awning signs shall be allowed when such signs are painted or applied flat against the awning surface.
 - (C) Pedestrian signs shall be allowed when such signs have a minimum clearance of seven (7) feet from the sidewalk and do not extend beyond the awning or canopy projection.
 - (D) Projecting signs shall have a minimum clearance from the sidewalk of ten (10) feet and shall not project more than sixty (60) inches, or one-half (1/2) of the sidewalk width, whichever is less.
 - (E) No wall sign shall protrude more than twelve (12) inches from the wall to which it is attached.
 - (F) Sandwich signs may be placed outside only when the business is open and must be properly anchored or weighted against the wind.

- (4) Regulations for the size of signs is as follows:
 - (A) Wall sign maximum size shall be based on the following:
 - (i) For every one (1) linear foot of building primary or entrance footage, two (2) square feet of sign shall be allowed.
 - (ii) Wall signs on secondary or side-street frontage shall not extend the size of wall signs on the primary or entrance footage.
 - (B) Window signs shall cover no more than forty (40) per cent of the total glass areas of the window on which they are placed. The sign coverage shall be determined by an imaginary square or rectangle that encompasses the window sign graphics.
 - (C) Each face of a pedestrian sign shall be no more than eight (8) square feet in size.
 - (D) Awning sign size shall follow wall sign maximum sizes but shall not exceed the surface of the awning.
 - (E) Projecting signs shall be no more than fifteen (15) square feet in size, with a maximum sign height of three (3) feet.

(F) — The maximum height of any sandwich sign is forty-eight (48) inches, and a minimum clearance of six (6) feet must be maintained on the sidewalk for pedestrian access.

(G) — No display surface shall contain more than ten (10) items of information, except where the name of the occupant of the premises contains more than ten (10) items of information and the display surface contains only the name of the occupant. An item of information means any of the following: a syllable of a word, an abbreviation, a number, a symbol, a geometric shape, a slogan. In computing items of information, letters less than three (3) inches in height, if contained in a wall sign, shall not be counted.

(5) — Prohibited materials for use in the signs are as follows:

(A) — Interior illumination for signs or awnings shall not be allowed.

(B) — Plastic shall not be allowed for sign faces.

(C) — No fluorescent materials and/or paints shall be allowed.

(f) — General provisions and limitations for the signs are listed as follows:

(A) — The standards and regulations specified in this section shall apply to new signs in the CBD that will be erected or existing signs that will be changed, all of which sign permits must be obtained.

(B) — The provisions herein contained are applicable to location, size and placement of signs and shall otherwise be considered supplementary to the city requirements, and no provision specified herein shall be construed to otherwise amend or nullify any provision of any other city requirement or other regulation pertaining to the erection, maintenance and operation of signs in the city.

(C) — Devices consisting of banners, streamers, pennants, windblown propellers, strung light bulbs and similar installations shall be prohibited unless approved by the city manager for noncommercial use.

(D) — Animated, rotating or other moving or apparently moving signs shall be prohibited.

(E) — Signs of any type shall not cover or interrupt an existing mural.

(F) — Other than sandwich signs, no other portable signs are permitted.

(G) — Signs painted on the glass windows, exterior banners or posters, when placed on a building in connection with special events, promotions and holidays, are considered temporary and may be placed for a period not to exceed twenty (20) consecutive days. Any such temporary signs shall be removed within ten (10) days of expiration of the special event, promotion or holiday. Banner may not exceed thirty (30) square feet in area. Temporary signs are excluded from the maximum allowable sign area per building.

(H) — Murals shall be allowed with approval by the city commission and will require a permit.

(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.

Sec. 19-22. Prohibited Signs.

(a) Signs illuminated to such an intensity or in such a manner as to cause glare or brightness to a degree that they constitute hazards or nuisances. Flashing, intermittently lighted, changing color, beacons, revolving, moving or similarly constructed signs shall not be allowed. Revolving barber poles may be allowed. For regulations pertaining to changeable electronic variable message signs, see [subsection 8-102\(B\)\(6\)](#).

(b) Signs that by reason of their size, location, movement, shape, content, coloring, or manner or intensity of illumination, may be confused with or construed as a traffic control sign, signal or device, or the light of an emergency or road equipment vehicle, or which hide from view any traffic or street sign, signal or device. This includes signs making use of the words "stop", "go", "look", "slow", "danger", or any other similar words, phrases, symbols, or characters, or employ any red, yellow, orange, or green colored lamps or lights in such a manner as to cause confusion with vehicular or pedestrian traffic.

(c) Lighted signs erected within one hundred fifty (150) feet of a residential district unless the lighting is shielded from view for the residential district.

(d) Signs that emit sound, odor or visible matter, which serve as a distraction to persons within the public right-of-way.

(e) Flags, other than those of any nation, state or political subdivision, that depict any motto, saying, emblem, or logo of a firm or corporation.

- (f) Any balloon, air flow through device, inflatable apparatus, or other floating device anchored to the ground or to any other structure for advertising purposes.
- (g) Goods, wares, merchandise or other advertising objects or structures placed on or suspended from any building, pole, structure, sidewalk, parkway, driveway, or parking area, except as otherwise allowed by ordinance.
- (h) Signs attached to a trailer, skid, or similar mobile structure where the primary use of such structure is to provide a base for such sign or constitutes the sign itself. A sign removed from its trailer, skid or similar mobile structure will still be considered prohibited. This provision does not restrict identification signs on vehicles used for any bona fide transportation activity.
- (i) Signs attached to or upon any such vehicle allowed to remain parked in the same location or in the same vicinity, at frequent or extended periods of time, where the intent is apparent to be using the vehicle and signs for purposes of advertising an establishment, service, or product.
- (j) Signs, paper and other material or paint, stencil or writing of any name, number (except hours, numbers) or other marks on or attached to any sidewalk, curb, gutter, street utility pole, public building, public bench, tree, fence, or structure except as otherwise allowed by ordinance.
- (k) Signs that prevent free ingress from any door, window, or fire escape.
- (l) Signs attached to a standpipe or fire escape.
- (m) Free standing signs erected upon or over public property unless erected by the city.
- (n) Any sign not referenced in, not governed by, not allowed or not defined by this chapter.

IV. 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.

V. 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. Breckenridge 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.

VI. Effective Date. This Ordinance shall become effective immediately upon its adoption and after publication as required by law.

PASSED, APPROVED, AND ADOPTED on this the 7th day of February 2023.

ATTEST:

Bob Sims, Mayor

Jessica Sutter, City Secretary

S E A L