

Chapters 24 - SIGNS AND SIGNAGE

Footnotes:

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Editor's note— Ord. No. 2016-001, adopted Sept. 22, 2015, added provisions pertaining to signs and signage as Ch. 24. The numbering of provisions of this chapter has been provided by the editor in order to conform to the format used in this Code.

ARTICLE I. - IN GENERAL

Sec. 24-1. - Purpose.

The intent of this Signs and Signage Ordinance is to assist municipal and regulatory agencies to regulate signs, on-premises and limited off-premises, in a legal and reasonable manner and ensures compliance with constitutionally protected First Amendment rights.

(Ord. No. 2016-001, § 01.01, 9-22-15)

Sec. 24-2. - Uniform standards.

The purpose of this chapter is to provide uniform sign standards and regulations in order to improve pedestrian and vehicular traffic safety, to minimize the possible adverse effect of visual clutter on nearby public and private property, and to promote an image of the city reflecting order, harmony, and pride.

(Ord. No. 2016-001, § 01.02, 9-22-15)

Sec. 24-3. - Signs and signage defined.

Any device, singular and collectively, whose essential purpose and design is to convey messages by means of "an outdoor structure, sign, display, light device, figure, painting, drawing, message, plaque, poster, billboard, or other thing that is designed, intended, or used to advertise or inform" — Texas Local Government Code.

(Ord. No. 2016-001, § 01.03, 9-22-15)

Secs. 24-4—24-10. -

Reserved. ARTICLE II. -

REGULATORY

Sec. 24-11. - General.

- (a) *Safety standards:* This chapter seeks to reduce subjectivity often encountered in the regulation of signage that is either based on aesthetics or lacking in substantiation by an ordinance based upon research of multiple small Texas cities sign ordinances and "model" sign ordinances to support restrictions on signage that take into account requirements for providing signage that meets generally accepted safety standards for visibility, legibility and conspicuity.
- (b) *Jurisdiction:* The provisions of this chapter shall apply within the city limits and within the extra-territorial jurisdiction (ETJ) of the city as defined by state law. The extended ETJ areas are not included in the jurisdiction of this chapter.
- (c) *Effective date:* The effective date of the ordinance from which this chapter derives shall be the date that the governing body of the City of Castroville formally adopts this Signs and Signage Ordinance—the effective date is September 22, 2015.
- (d) *Permit equired:* It shall be unlawful, without receiving a permit from the city, to erect, place, alter, reconstruct or relocate a sign after the effective date of the ordinance from which this chapter derives unless such erection, placement, alteration, reconstruction, or relocation meet all of the provisions of this or any other applicable ordinance adopted by the city council, or any regulations or statutes promulgated by the State of Texas or federal government.

(Ord. No. 2016-001, § 02.01, 9-22-15)

Sec. 24-12. - Legislative issues.

- (a) *U.S. Supreme Court:* This chapter reflects recent U.S. Supreme Court (June 2015) rulings relative to municipality control of content-based restrictions and differentiation between commercial and non-commercial sign content restrictions.
- (b) *Texas Local Government Code:* The city council is authorized to regulate signs by virtue of the Texas Constitution, the city's police power, and by the Texas Local Government Code, Chapters 51, 54, 216, and 217.
- (c) *Texas Transportation Code:* The city council is authorized to regulate signs by virtue of the Texas Constitution, the city's police power, by the Texas Transportation Code Chapter 393.

(Ord. No. 2016-001, § 02.02, 9-22-15)

Sec. 24-13. - Applicability.

This chapter applies to the construction, size, use and location of all on-premise signs, limited off-premises signs as more fully defined in Article VII, Signage Definitions, and the off-premises signs permitted by Article VI, Signage and Special Uses, and signs of an axillary nature.

Sec. 24-14. - Permit not required.

- (a) No application or permit is required on the following signs and signage activity provided they are not illuminated, less than three square feet in area, meet additional regulations that may be contained in specific use regulations, if applicable, and comply with all other provisions of this chapter and other applicable city ordinances.
- (b) The following signs and signage activities may have additional regulations as defined in section 24-62—Prototype definitions and in section 24-63—Temporary signage.

(1) *Signs types:*

- a. Signs defined in section 24-63—Temporary signage.
- b. Auxiliary Signs.
- c. Name plates (residential and commercial addresses).
- d. Window and door signs.
- e. Flags (governmental).
- f. Real estate signs.

(2) *Signage activities:*

- a. Ordinary and routine necessary repairs that do not change the sign's size, shape, orientation, height, illumination, location or content;
- b. Repainting or replacing existing letters, characters, colors or complete face panels;
- c. Changing the copy on a bulletin board or changeable copy sign;
- d. Replacing the fabric or other material of an awning sign when no

other change is made in the sign. (Ord. No. 2016-001, § 02.04, 9-22-15)

Sec. 24-15. - Exemptions from this chapter.

The following signs are exempt from regulation under this chapter:

- (1) Any sign inside a building.
- (2) Commemorative plaques and historical markers.
- (3) Any governmental or public utility.
- (4) Any holiday signage and decorations.
- (5) Handheld signs.

Secs. 24-16—24-20. -

Reserved. ARTICLE III. -

PROHIBITED

Sec. 24-21. - Prohibited sign types.

The construction, placement, existence, or use of signs of the following types are prohibited by this chapter:

- (1) Balloon or inflatable devices.
- (2) Beacons.
- (3) Billboards.
- (4) Flashing signs.
- (5) Moving signs.
- (6) Exterior neon signs.
- (7) Roof signs.
- (8) Posters, ribbons, streamers, spinners.
- (9) Immoral signage.
- (10) Hazardous signage.
- (11) Abandoned signs.

(Ord. No. 2016-001, § 03.01,
9-22-15)

Sec. 24-22. - Prohibited sign
locations.

No sign shall be located anywhere in the city, or the city's ETJ except in accordance with the following provisions.

- (1) *Prohibited locations:*
 - a. Signs on, or attached to, any tree, utility pole or pedestal, except by a utility company owning the pole or pedestal or operating facilities mounted on the pole or in the pedestal.

- b. Signs placed or kept in use to advertise an activity, business or service no longer conducted on the premises upon which the sign is located. Sign removal shall be done in accordance with section 14-124, Enforcement, Violations and Penalties.
- c. Signs or parts of signs, including mounting fixtures and supporting structures, located on or above any public land, including right-of-ways, except as regulated by other provisions of this chapter.
- d. Signs or parts of signs, including mounting fixtures and supporting structures, mounted above or projecting over any private sidewalk, street, drive or parking area, not less than nine feet above the sidewalk or less than 15 feet above the street, drive, or parking area.
- e. Signs located on any sidewalk or in any unpaved walkway intended for public use unless it allows at least three feet in radius of horizontal clearance on at least one side of the sign.
- f. Signs, parts of signs, or sign frames between two feet and eight feet above the established ground level within the area of a visibility triangle for traffic extending 20 feet in each direction from the street corner intersection of the curb line or edge of pavement.
- g. Signs located closer than six feet laterally to a secondary power line or closer than 15 feet laterally to a primary power line.
- h. Lighted or permanent signs mounted or placed on or extended above the side or rear wall of any building, or located in the side or rear yard of any lot or tract of land, when sign faces and is visible from, a contiguous residential area not separated from the building, lot or tract containing the sign by a public street or alley.

(2) *ETJ prohibited signage:*

- a. Signs located in the city's ETJ east of the city limits and within 500 feet of Highway 90, and any signs located in the city's ETJ north and south of the city limits within 500 feet of FM 471, not in conformance to the CH East zoning district sign regulations.
- b. Signs located in the city's ETJ west of the city limits and within five hundred feet Highway 90 not in conformance to the CH West zoning district sign regulations. (Ord. No. 2016-001, § 03.02, 9-22-15)

Secs. 24-23—24-30. -

Reserved. ARTICLE IV. -

NON-CONFORMING

Sec. 24-31. - Procedural review.

- (a) *Continued use:* The lawful use of signs in existence at the effective date of the ordinance from which this chapter derives, although such use or sign does not conform to the regulations contained in this chapter, may be continued unless:
 - (1) The use of a nonconforming sign is discontinued for a period of 90 consecutive days or more; or
 - (2) The property on which the nonconforming sign is located changes uses as defined by the applicable Comprehensive Zoning Ordinance (CZO) regulations.
- (b) *Discontinued Use:* In the event that the use of a nonconforming sign is discontinued or the property on which the

nonconforming sign is located changes use, then the sign must be removed, or brought into conformance, by the responsible party and any future use of the sign must be in full compliance with this chapter.

- (c) *Limitations on modification:* Any existing sign may be repainted and the letters or characters on the sign may be rearranged, changed or replaced. Any nonconforming sign may be brought into conformance to this chapter, when possible. Any enlargement of signage area, increase in height, or any other alterations, shall not be allowed, unless such modification shall also bring the non-conformance sign into conformity with this chapter.
- (d) *Removal of damaged signs:* A nonconforming sign which is damaged by any cause to the extent of 50 percent or more of its value must be removed by the responsible party without compensation and within 30 days of the damage. A nonconforming sign damaged to the extent of 50 percent or more of its value shall not be replaced or rebuilt except by a sign that is constructed and located in full conformity with this chaapter. Provisions of this paragraph are subject to variance regulations contained in Article X, Variances herein.

(Ord. No. 2016-001, § 04.01, 9-22-15)

Secs. 24-32—24-40. -

Reserved. ARTICLE V.

- USES

Sec. 24-41. - Sign usages.

- (a) *Signs—Where used:*
 - (1) *On-premises sign:* "On-premises sign means a freestanding sign identifying or advertising a business, person, or activity, and installed and maintained on the same premises as the business, person, or activity." — Texas Local Government Code.
 - (2) *Off-premises sign:* "Off-premises sign means 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." — Texas Local Government Code.
- (b) *Signs—When used:*
 - (1) *Permanent:* A sign attached to a building or structure, or to the ground in a manner that enables the sign to resist environmental loads, such as wind, and that precludes ready removal or movement of the sign and whose intended use appears to be indefinite.
 - (2) *Temporary:* Any sign intended to remain in use for a short period of time which is not permanently installed and a removal date is established in the permitting process within signage type definitions. See signage type definitions, requirements and time-based specific restrictions.

(c) *Signs—How used:*

- (1) *Residential:* Dwelling units (DU's) inside the city limits, the area within any residential zoning district.
- (2) *Non-residential:* Inside the city limits, the areas not designated for residential uses; In the city's ETJ, any lot or tract of land which is the site of an establishment or commercial complex.

(Ord. No. 2016-001, § 05.01, 9-22-15)

Secs. 24-42—24-50. - Reserved.

ARTICLE VI. - SIGNAGE AND SPECIAL USES, OFF-PREMISES—HIGHWAY 90 SIGNAGE AREAS

Sec. 24-51. - Purpose.

The purpose is to give notable consideration for individual commercial establishments, community-based organizations, and non-profits, located off Highway 90 between the Medina River and Alsace Avenue, and being in the original township of Castroville—herein designated as Off-Premises — Highway 90 Signage Area, special regulations providing for "off-premises" signs and signage opportunities.

(Ord. No. 2016-001, § 06.01, 9-22-15)

Sec. 24-52. - Prohibited localities.

Any establishment located on Highway 90, or, any establishment not between the Medina River and Alsace Avenue is prohibited from participation, as an advertising entity, in the notable considerations provided herein.

(Ord. No. 2016-001, § 06.02, 9-22-15)

Sec. 24-53. - Restricted definitions.

The following sign and signage definitions, uses, regulations, and limitations are allowed within this Article VI, Signage and Special Uses. A listing herein does not provide the same definitions, regulations, and limitations permissible under the same names in Article VII, Definitions. Any definitions, regulations, and limitations, listed herein, shall replace, supersede, and/or alter those provided in Article VII, Definitions, and, such changes are only applicable within the context of Article VI, Signage and Special Uses, Off-Premises—Highway 90 Signage Areas.

- (1) *Bulletin board:* A signage device principally devoted to posting messages, personal announcements of interest or offering goods and/or services to the general public and to the members, customers, or clientele of the establishment concerning the activities of its operation.
 - a. *Area limitations:* Thirty-two square feet maximum.
 - b. *Height limitations:* Seven feet.
- (2) *Commercial complex identifier:* Free-standing sign(s) located on designated Off-Premises—Highway 90 Signage Areas shall contain a "location" name that is unique to each designated location. The name of each such location shall be indigenous with the cultural and historical nature of the immediate area.
 - a. *Regulations:*

1. *Commercial complex*: Limit of two free-standing, permanent signs shall be permitted per designated special use signage location. Only one sign of this type is allowed if another major sign type is also installed in the same designated location.

Although being an off-premises sign, all signage shall identify establishments located within its immediate geographical adjacent areas to each specific designated property location.

2. *Individual establishments*: Nothing herein prohibits any establishment from having a separate free-standing on-premises sign located on property within the designated special use area assigned to each location.
 - b. *Area limitations*: Thirty-two square-feet maximum.
 - c. *Height limitation*: Twelve feet maximum.
- (3) *Community service sign*: A sign whose message solicits support for, or participation in, a non-profit, non-political, community, public or social purpose, cause, event or activity, such as one marking a holiday or holiday season, or one supporting school activities, charitable programs, religious activities, or events of community interest.
 - a. *Regulations*: Erected only by a unit of government, school, Chamber of Commerce, religious organization or other non-profit agency. Exempt from permitting but must submit a sign permit application for conformance to specific signage regulations.
 - b. *Area limitations*: Six square feet maximum area for special use area.
 - c. *Time limitations*:
 1. Posting—14 days prior to the event.
 2. Removal—three days after the event.
- (4) *Free-standing sign*: A sign that is supported by one or more structural systems usually consisting columns, poles,—placed in the ground or attached to a foundation structure in the ground—and provides supporting framing for attached sign(s) areas. (Also known as self-supporting).
 - a. *Regulations*:
 1. *Commercial establishments*:

Two free-standing signs for establishments located within the special uses designated areas are allowed, however, only one sign of this type allowed if another major sign type is also installed in the same designated location.

Although being an off-premises sign, all signage shall identify establishments located within its immediate geographical adjacent areas to each specific designated property location.

b. *Area limitations:* The area of a self-supported signs shall not exceed 16 square feet.

c. *Height limitations:* Shall not exceed six feet.

(5) *Off-site event sign:* A temporary sign giving directions to occasional events at another location, such as directions to a civic, political, or other ceremonial events, to a members-only event, or to an event at a residence such as a garage sale, home for sale, real estate open house, or private party.

a. *Regulations:* May be placed only on designated property, as provided herein with not more than one such signs may be used to give directions to the same event from different special use properties. Event signs shall not be illuminated.

b. *Area limitations:* Three square feet maximum area.

c. *Time limitations:* Posted seven days prior to the event. Removal within one day after the event.

(6) *Public service sign:* A sign or part of a sign which is devoted to changeable messages of general public information, such as the current time and temperature or an index of stock market averages, without other commercial content.

a. *Regulations:* May be placed on special use properties as off-premises sign of the establishment that is the sponsor of the special use property development.

b. *Area limitations:* Eight square feet maximum, regardless of whether the public service sign is a separate sign or integrated as a component of another sign. (Ord. No. 2016-001, § 6.03, 9-22-15)

Sec. 24-54. - Unrestricted definitions.

Definitions, regulations, and limitations of the following signs remain as established in section 24-62—Prototype definitions, section 24-63— Temporary signage, and section 24-64—Function and usage definitions and are not modified herein.

(1) Directional sign.

(2) Illuminated sign.

(3) Off-premises sign.

(4) Special event sign.

(5) Way-finding sign.

(Ord. No. 2016-001, § 06.04, 9-22-15)

Sec. 24-55. - Signage agreement.

Specific tracts of land, location(s), made available for signage as provided herein, if not public lands, shall be developed under terms and conditions of a signage agreement between owner of the property and the city that acknowledges the provisions provided herein and the considerations for individual commercial establishments, community-based organizations, and non-profits to have access to quality signs and signage for their establishments and provides for development and maintenance of each such location and signage constructed thereon.

(Ord. No. 2016-001, § 06.05, 9-22-15)

Sec. 24-56. - Approvals.

All provisions contained in this Article VI, Signage and Special Uses, Off-Premises—Highway 90 Signage Areas, shall be subject to review by the historic landmark commission (HLC), appeals, if any, shall be subject to planning and zoning commission actions and recommendations.

(Ord. No. 2016-001, § 06.06, 9-22-15)

Secs. 24-57—24-60. -

Reserved. ARTICLE VII.

- DEFINITIONS.

Secs. 24-61. - Generally.

Words and phrases used in this chapter shall have the meanings set forth in this article. For the convenience of the reader, these defined words and phrases are indicated by bold print and underlining, but the absence of such indications does not imply a different meaning. Words and phrases which are not defined in this ordinance shall be given their common, ordinary meaning unless the context clearly requires otherwise.

(Ord. No. 2016-001, Art. VII, 9-22-15)

Sec. 24-62. - Prototype sign definition.

Words and phrases defined in section 24-62—Prototype definitions are relative to this distinctive group of prototype type's signs as opposed definitions contained section 24-63—Temporary signage, section 24-64— Functions and uses definitions, section 24-66—Sign industry definitions, or section 24-65—Governance definitions. Specific definitions and nomenclature shall have the meanings set forth in each section.

- (1) *Awning sign*: A sign displayed on or attached flat against the surface or surfaces of an awning.
 - a. *Regulations*: Only the sign area displayed on an awning shall be utilized to determine the permitted wall sign area.
 - b. *Area limitations*: One-third of the area of an awning sign shall be counted toward the limit on the total area of wall signs on the wall to which the awning is attached.
- (2) *Balloon or inflatable device*: Signage made of flexible fabric that are cold-air inflated objects of various shapes, that rest on or is attached to the ground or structures. Usually equipped with blower motors that inflate the object or provides a constant flow of air that passes thru or into the device. Inflatable devices are restrained, attached, or held in place by a cord, rope, cable or similar method. Includes balloons, inflatable signs, and other inflatable devices including devices supported by rushing air.
 - a. *Regulations*: Not permitted in the City of Castroville or its ETJ areas.
- (3) *Beacon*: Any light source with one or more beams, may rotate or move, and is directed into the atmosphere or directed at a point which is not on the same lot or tract of land as the light source.
 - a. *Regulations*: Not permitted in the City of Castroville or its ETJ areas.
- (4) *Billboard*: Off premises, free-standing signs owned by a person, corporation or other entity that engages in the business of selling the advertising space on the sign. (See On/Off-Premises Sign)
 - a. *Regulations*: Billboards are prohibited within the city.
Exception: As provided in. Article VI, Signage and Special Uses:
- (5) *Bulletin board*: A signage device principally devoted to posting messages, personal announcements of interest or offering goods and/or services to the general public and to the members, customers, or clientele of the establishment concerning the activities of its operation.
 - a. *Regulations*: Bulletin boards shall be located only on the premises of the institutions, organizations, or establishments to whose activities it pertains.
 - b. *Area limitations*: Thirty-two square feet maximum.
 - c. *Height limitations*: Seven feet.
 - d. *Special uses*: Refer to Article VI, Signage and Special Uses for special restrictions and limitations for this definition.
- (6) *Canopy sign*: A sign which is mounted above, below, or on the façade of a canopy and may be parallel or perpendicular to a facing wall but shall not project higher than the main roof of the building or lower than seven feet above a walk or floor.
 - a. *Regulations*: May be illuminated and may contain an electronic changeable copy section. Canopy sign areas of freestanding structures shall not count against allowed wall signage of establishment's main building(s) or structures. A canopy sign, which is perpendicular to a building face, shall not exceed two-thirds of the width of the canopy structure. A canopy sign, which is parallel to a building face, shall not exceed two-thirds of the length of the canopy structure. A minimum spacing of ten feet must be provided between canopy signs.
 - b. *Area limitations*: No canopy sign shall extend beyond an edge of the canopy structure to which it is attached.

No canopy sign shall be closer than five feet from the end of the longer side of the canopy structure except at a street corner.

- c. *Height limitations:* A sign on top of the canopy cannot exceed 18 inches in height with a maximum length of five feet or ten percent of the width of the establishment whichever is greater.
- (7) *Double-faced sign:* A sign with two faces, back to back.
- a. *Regulations:* When oriented in opposite directions and separated by not more than three feet, with the same copy on both sides, shall be counted only as the area of one face.
- (8) *Flag:* A flag adopted by a business, institution or other organization and containing the name, logo or other symbolic emblem of that business, institution or organization.
- a. *Regulations:* Three flags are allowed per location. Area of any/all flags shall be counted toward the total square footage for a self-supported sign.
 - b. *Area limitations:* Combined square footage equal to the permitted square footage for the self-supported sign for that establishment
 - c. *Height limitations:* Any flagpole that does not fly a governmental flag shall not exceed 30 feet in height except along U.S. Highway 90 east of FM 471 South where the height shall not exceed 50 feet.
- (9) *Free-standing sign:* A sign that is supported by one or more structural systems usually consisting columns, poles—placed in the ground or attached to a foundation structure in the ground—and provides supporting framing for attached sign(s) areas. (Also known as self-supporting)
- a. *Regulations:*
 - 1. An individual establishment shall have only one free-standing sign.
 - 2. *Commercial complexes:*
 - i. A commercial complex of less than two acres shall have only one free-standing identifying the name and/or address of the complex and/or listing the individual tenants in the complex.
 - ii. A commercial complex of two or more acres may have one free-standing sign, identifying the name and/or address of the complex and/or listing the individual tenants in the complex, and one additional free-standing signs along each additional street which borders the complex for a distance of 200 feet or more.
 - iii.

If the commercial complex is made up of separate lots (i.e.; business or industrial park), the free-standing sign may be an off-premises sign; however, it shall be located on one of the lots within the complex.

3. *Individual establishments:* A separate free-standing sign for an individual establishment located within a commercial complex may be permitted only if the establishment meets the following conditions:
 - i. *Landscaped areas:*
 - (a) The establishment is located along a street bordering, or within, the complex and in a separate building from the principal building of the complex; and
 - (b) The establishment has a separate parking area from the principal parking area of the complex, which may connect with the principal parking area but is visually set off from that area by fencing or landscaping.
 - (c) Any landscaped area installed at the base of a free-standing sign shall be protected from damage by pedestrian and vehicular traffic by a barrier or other method of separation acceptable to the city administrator or designee.
 - (d) The plants in such landscaped area shall be maintained in a healthy condition free of weeds, trash and debris.
4. *Miscellaneous:*
 - i. The supports for self-supported signs may be enclosed by a non-supporting materials or veneers. Free-standing signs, located in historical districts and/or on landmark properties, are subject to review and approval by the historic landmark commission (HLC).
 - ii. Free-standing signs are permitted only in the (historic) central business district (C-G), the commercial district (C-H), the industrial district (I-I) and the ETJ areas of the city.
- b. *Area limitations:* The area of a self-supported signs shall not exceed:
 1. *Commercial complex:*
 - i. Thirty-two square feet—in the CG.
 - ii. Sixty-four square feet—in the ETJ or in the city limits not within CG or CH.
 - iii. One hundred fifty square feet maximum within CH with a land area of two acres or more and frontage of 200 feet or more on each of two or more streets.
 - iv. One hundred seventy square feet—notwithstanding any limitations set forth above, a self-supported sign that is located in a CH zoning district and on property immediately adjacent to Highway 90 or FM 471.
 2. *Individual establishment:*
 - i. Thirty-two square feet—in CH-Central.
 - ii. Thirty-two square feet—in CG.
 - iii. Sixty-four square feet—in CH-East and West.
- c. *Height limitations:* The height of a self-supported sign shall not exceed:
 1. Twenty feet in the CH central commercial district.
 2. Twenty feet in the CH-west commercial district.
 3. Twenty-five feet in the CH-east commercial district—as measured from the centerline of Highway 90 or the surface on which the sign is standing, whichever is higher, and not to exceed:
 - i. Thirty feet above the centerline of Highway 90.

- ii. Twenty-five feet in all others districts.
 - d. *Special uses*: Refer to Article VI, Signage and Special Uses for special restrictions and limitations for this definition.
- (10) *Governmental flag*: Flags of the United States, the state, the city, foreign nations having diplomatic relations with the United States, and any other flag adopted or sanctioned by an elected legislative body of competent jurisdiction.
- a. *Regulations*: Governmental flags are permitted in all zoning districts provided that they meet the following requirements: United States flags shall be flown in accordance with the protocol established by the Congress of the United States for the Stars and Stripes, Title 4, Chapter 1 — The Flag. When a flagpole is located on the top of a roof, the placement and attachment of the pole shall meet the building code for live and dead loading requirements. The height is measured from the base of the pole to the top.
 - b. *Height limitations*:
 - 1. Thirty feet in height within zoning district CH.
 - 2. Thirty-eight feet in the (historic) central business (C-G) district.
 - 3. In all other zones the flagpole cannot exceed 30 feet in height, except along Highway 90 east of FM 471 South where the height of the flagpole cannot exceed 50 feet.
- (11) *Illuminated sign*: A sign with luminaires installed for lighting of sign, either internally through its sign face by a luminaire contained inside the sign or externally illuminated by reflection of a light source aimed at its surface.
- a. *Externally illuminated sign*: A sign characterized by the use of external artificial light reflecting off its surface(s).
 - b. *Internally illuminated sign*: A sign characterized by the use internal artificial light sources projecting through its surface(s).
 - c. *Regulations*: No sign shall be illuminated to such an intensity or in such a manner as to cause a glare of brightness to a degree that it constitutes a hazard or nuisance to traffic. If TxDOT or the city determine that an electronic sign causes glare or otherwise impairs the vision of the driver of a motor vehicle or otherwise interferes with the operation of a motor vehicle, the owner of the sign, within 12 hours of a request by TxDOT or the city shall reduce the intensity of

the sign to a level acceptable with TxDOT or the city. Failure to comply with such request will subject the owner of said sign to enforcement proceedings found in section 24-124.

- d. *Special uses*: Refer to Article VI, Signage and Special Uses, for special restrictions and limitations for this definition.
- (12) *Marquee sign*: A changeable copy sign which is mounted above a permanent canopy which may be parallel, perpendicular, or angular to a facing wall and may not project higher than the main roof of the building. May be internally and/or externally illuminated.
 - a. *Regulations*: Only one marquee sign shall be permitted per establishment. A marquee sign is allowed in addition to a business identifier sign (projecting sign or wall sign) mounted parallel or perpendicular to the building wall face below or on top of a canopy, which when on top, may not extend above the main building roofline. A marquee sign shall not extend beyond an edge of the canopy structure to which it is attached.
 - b. *Area limitations*: The marquee sign area will not count against allowed wall signage area at the establishment.
- (13) *Monument sign*: A ground sign that contains the primary name of the establishment with low overall height.
 - a. *Changeable copy*:
 - 1. If the changeable copy portion includes an electronic graphic display, it shall conform to the requirements of an electronic changeable copy sign as regulated in this chapter.
 - 2. Changeable copy monument signs featuring an electronic graphic display shall not be permitted in the central commercial (C-H) district or in the (historic) central business (C-G) district, except on property used exclusively as a church or a not-for-profit establishment.
 - b. *Regulations*: Monument signs are prohibited in residential zoning districts, unless a Special Use Permit authorizing a monument sign has been secured in accordance with Article IV, section 9 of the city's Comprehensive Zoning Ordinance. Use in residential zoning districts are prohibited except as a residential development identifier sign.
 - c. *Area limitations*:
 - 1. Individual establishment monument signs shall not exceed:
 - i. Eight square feet on the changeable copy portion of the sign.
 - ii. Sixteen square feet in the central commercial (C-H) district.
 - iii. Twelve square feet in (historical) central business (C-G) district.
 - iv. Thirty-two square feet area in the east commercial (C-H), the west commercial (C-H), and the industrial (I-I) zoning districts.
 - v. Sixty-four square feet area in ETJ areas.
 - 2. Commercial complex monument signs shall not exceed:
 - i. Prohibited in residential zoning districts.
 - ii. Sixteen square feet in the (historical) central business(C-G) district.
 - iii. Forty-eight square feet in the central commercial (C-H) district.
 - iv. Eighty square feet in the east commercial (C-H) district and in the west commercial (C-H) District.
 - v. Eighty square feet in the industrial (I-I) district and the ETJ areas.
 - d. *Height limitations*: Eight feet is the maximum height of a monument sign:
- (14) *Multiple-faced sign*: A sign containing three or more faces.
 - a. *Regulations*: The area of a sign with more than one face is the sum of the areas of all sign faces visible from any

one point.

- (15) *Name plate*: A sign, mounted flat against the wall of a building and not projecting more than one inch from the face of the wall, indicating the name and/or address of the building, and/or the name of an occupant thereof, and/or the practice of a permitted home occupation therein. May also contain an incidental personal non-commercial message from the occupants.

a. *Area limitations*:

1. One square foot in a residential area.
2. Two square feet in a non-residential area.

- (16) *Neon sign*:

a. *Interior neon*: A gas filled glass tubing luminaire sign located on the interior of an establishment.

1. *Regulations*: An establishment shall only have one neon window or door sign per store front.
2. *Area limitations*: Not to exceed three square feet or 40 percent of window opening—whichever is less.

b. *Exterior neon*: A gas filled glass tubing luminaire sign located on the exterior of an establishment.

1. *Regulations*: Not permitted in the City of Castroville or its ETJ areas.

- (17) *Projecting sign*: A sign that projects more than 18 inches from a building face or wall or from a structure whose primary purpose is other than the support of a sign.

a. *Regulations*: Reference specific signage types for specific requirements.

b. *Area limitations*:

1. Twenty-four square feet if attached to the first floor of a building.
2. Thirty-two square feet if attached to the second floor of a building.

- (18) *Roof sign*: A sign mounted on the roof of a building or on the uppermost edge of a parapet wall of a building. Signs, including marquees, mounted on mansard facades, pent eaves, and architectural projections such as canopies shall not be considered to be roof signs.

a. *Regulations*: Not permitted in the City of Castroville or its ETJ areas.

- (19) *Residential development sign*: A sign at the entrance to a residential development, either single-family or multi-family, which identifies the name and/or the address of the residential development. A residential development sign shall not be internally illuminated.
- a. *Regulations*: May incorporate incidental leasing information and/or the contents of a directional sign. In a condominium development or in a subdivision in which the sign is common property of the subdivision homeowners, the condominium regime or restrictive covenants must provide adequate assurance that the landscaped area, if present, at the base of the sign will be properly maintained by the condominium owners association or homeowners association.
- b. *Area limitations*:
1. Thirty-two square feet maximum for six or less units.
 2. Fifty square feet maximum or five square feet per dwelling unit for more than six—whichever is lessor.
- (20) *Signature building*: A building architecturally designed, painted or decorated to reinforce individual recognition of a traditional sign's message, the identity of its speaker or sponsor of a display; it also reinforces major media advertising programs.
- a. *Regulations*:
1. Signature building signage shall not be counted as against regulations contained in other signage areas and uses.
 2. A signature buildings that also is recognized due to the recognition of "logo image" effect and other signage allowances shall be reduced by 25 percent of the maximum allowed areas.
- (21) *Snipe sign*: A temporary or permanent sign tacked, nailed, posted, pasted, glued, or otherwise attached to trees, poles, stakes, fences, or other objects.
- a. *Regulations*: Not permitted in the City of Castroville or its ETJ areas except as may be provided in section 24-62—Prototype definitions herein.
- (22) *V-sign*: A sign containing two faces of equal size, positioned at an interior angle of less than 179 degrees at the point of juncture of the individual faces.
- a. *Regulations*: The area of this sign is the sum of the areas of all sign faces visible from any one point.
- b. *Area limitations*: A sign structure with two faces back-to-back, oriented in opposite directions and separated by not more than three feet, with the same copy on both sides, shall be counted only as the area of face.
- (23) *Wall sign*: A sign, including direct mounted individual letters, that is affixed to any exterior wall of a building, structure or architectural projections of a building that projects 18 inches, or less, from the supporting element. Also includes affixed signs provided the copy area of such signs remains on a parallel plane to the face of the building facade or to the face or faces of the architectural projection to which it is affixed.
- a. *Regulations*: A sign, if not painted directly on the surface of a wall, must be securely mounted to and supported by the wall throughout the length and width of the sign. Prohibited in all residential districts.
- b. *Area limitations*: Ten percent of the area of the building wall is the maximum allowed area for a wall sign, including one-third of the area of any attached awning signs which are attached to the wall, and excluding the area of doors and windows in the wall.
- (24) *Way-finding sign*: A sign, frequently off-premise, specifically designed to provide directional or destination information. (See directional signs also.)
- a. *Regulations*: >See on/off-premises sign.

- b. *Special uses*: Refer to Article VI, Signage and Special Uses, for special restrictions and limitations for this definition.
- (25) *Window and door sign*: A sign affixed to the surface of a window or door with its message intended to be visible from the exterior.
 - a. *Regulations*: Sign area will be counted against total allowed wall sign area. No sign or advertising structure shall be erected, relocated, placed or maintained so as to prevent free ingress to or egress from any door, window or fire escape. Shall not be internally illuminated except for interior neon signs as regulated in this chapter.
 - b. *Area limitations*: Forty percent maximum area of the total window area. (Ord. No. 2016-001, § 07.01, 9-22-15)

Sec. 24-63. - Temporary signage.

- (a) Words and phrases defined in section 24-63—Temporary signage are relative to this distinctive group of temporary type's signs as opposed definitions contained section 24-62—Prototype definitions, section 24-64—Functions and uses definitions, section 24-65—Sign industry definitions, or section 24-66—Governance definitions. Specific definitions and nomenclature shall have the meanings set forth in each section.
- (b) The signs defined herein have limited exemptions from sign permitting as provided in section 24-14—Permit not required.
 - (1) *Banner*: A sign made of flexible substrate on which copy or graphics may be displayed.
 - a. *Regulations*: Must be securely attached to a building or other permanent structure and they must be kept in good repair throughout the time of use.
 - b. *Area limitations*: Maximum area is 32 square feet
 - c. *Time limitations*:
 - 1. Posting a maximum successive usage ten days.
 - 2. Removal within three days following the event.
 - 3. Yearly maximum usage of 30 days.
 - (2) *Community service sign*: A sign whose message solicits support for, or participation in, a non-profit, non-political, community, public or social purpose, cause, event or activity, such as one marking a holiday or holiday season, or one supporting school activities, charitable programs, religious activities, or events of community interest.
 - a. *Regulations*: Community service sign shall be erected only by a unit of government, school, Chamber of Commerce, religious organization or other non-profit agency. Exempt from permitting but must submit a sign permit application for conformance to specific signage regulations.
 - b. *Area limitations*:

1. Six square feet maximum area for residential zoning districts.
 2. Thirty-two square feet maximum area in all commercial zoning districts.
 - c. *Time limitations:*
 1. Posting—fourteen days prior to the event.
 2. Removal—three days after the event.
 - d. *Special uses:* Refer to Article VI, Signage and Special Uses for special restrictions and limitations for this definition.
- (3) *Construction sign:* A sign placed on a construction site identifying or announcing the project and/or the names of the architects, engineers, contractors, major suppliers and others associated with the construction of the project.
- a. *Regulations:*
 1. Construction signs which are larger than three square feet in area and not securely mounted on a wall shall be set back at least ten feet from the property line.
 2. Only one construction sign is allowed per street fronting a building or other project under construction, reconstruction or repair, except that one additional sign, not exceeding three square feet in area, may be placed on the site by any individual contractor or subcontractor working on the project and not acknowledged on the principal sign.
 3. Signs less than three square feet require a sign permit application for conformance but exempt from requiring a sign permit.
 4. Exempt from permitting but must submit a sign permit application for conformance to specific signage regulations.
 - b. *Area limitations:*
 1. Sixteen square feet maximum area in residential zoning districts.
 2. Thirty-two square feet maximum area in commercial zoning districts.
 - c. *Time limitations:* Thirty days removal after the city issues a certificate of occupancy.
- (4) *Development sign:* A sign placed on a construction site identifying or announcing the project and/or the names of the owners, developers, financiers, leasing agents and others associated with the development of the project. A sign denoting the architect, engineer, contractor, subcontractor, financier or sponsor of a residential or commercial development which may also designate the future occupant or use of the development.
- a. *Regulations:*
 1. Construction signs which are larger than three square feet in area and not securely mounted on a wall shall be set back at least ten feet from the property line.
 2. Only one construction sign is allowed per street fronting a building or other project under construction, reconstruction or repair, except that one additional sign, not exceeding three square feet in area, may be placed on the site by any individual contractor or subcontractor working on the project and not acknowledged on the principal sign.
 3. Signs less than three square feet require a sign permit application for conformance but exempt from requiring a permit.
 4. Exempt from permitting but must submit a sign permit application for conformance to specific signage regulations.
 - b. *Area limitations:*
 1. Sixteen square feet maximum area in residential zoning districts;

2. Thirty-two square feet maximum area in commercial zoning districts.
 - c. *Time limitations*: Thirty days removal after the city issues a certificate of occupancy.
- (5) *Event sign*:
- a. *Off-site event sign*: A temporary sign giving directions to occasional events at another location, such as directions to a civic, political, or other ceremonial events, to a members-only event, or to an event at a residence such as a garage sale, home for sale, real estate open house, or private party.
 1. *Regulations*: Such signs shall be placed only on private property and only with the consent of the owner of the property. No more than three such signs may be used to give directions to the same event from different starting positions. Event signs shall not be illuminated.
 2. *Area Limitations*: Three square feet maximum area.
 3. *Time limitations*:
 - i. Posted—seven days prior to the event.
 - ii. Removal—within one day after the event.
 - b. *On-site event sign*: A sign which is placed to advertise or mark the location of an occasional, event on the same site, such as civic, political, or other ceremonial events, to a members-only event, or to an event at a residence such as a garage sale, home for sale, real estate open house, or private party.
 1. *Regulations*: See specific sign prototype regulations.
 2. *Area limitations*: An on-site event sign shall not exceed an area of three square feet at a residence or 32 square feet at any other location.
 3. *Time limitations*:
 - i. Posted—seven days prior to the event.
 - ii. Removal—within one day after the event.
- (6) *Feather sign*: A vertical banner that contains a harpoon-style pole or staff driven into the ground for support or supported by means of an individual stand.
- a. *Regulations*: Must be kept in good repair throughout the time of display.
 - b. *Area limitations*: Thirty-two square feet maximum.

- c. *Height limitations:* Sixteen square feet maximum
 - d. *Time limitations:*
 - 1. Posting—ten days prior to event.
 - 2. Remove them within one day following the event.
 - 3. No such banner shall be placed for more than 30 days in one calendar year.
- (7) *Model home signs:* A sign placed to advertise a representative home used as a part of a sales campaign to show the design, structure, and appearance of units in a development.
- a. *Regulations:* Model home sign is an on-premises sign, which may be externally illuminated. Only one such sign shall be erected on the actual site of a model home. A model home sign shall not be internally illuminated.
 - b. *Area limitations:* Sixteen square feet maximum area.
 - c. *Height limitations:* Six feet maximum sign height.
 - d. *Time limitations:* All model home signs must be removed within 30 days after 90 percent of the homes in the subdivision are sold.
- (8) *Political sign:* A temporary sign that contains primarily a political message intended to advance a political statement, cause, or candidate for office;
- a. *Regulations:*
 - 1. Political signs may be placed on property only with the consent of the property owner;
 - 2. No political sign may be placed in, on or over any street or publicly owned land;
 - 3. A political sign located on private real property shall not be illuminated and shall not have any moving elements; and
 - 4. All political signs must comply with the state election code requirements.
 - b. *Area limitations:* Thirty-six square feet area.
 - c. *Height limitations:* Eight feet maximum height.
 - d. *Time limitations:* Posting is not regulated except all political signs must comply with the state election code requirements.
- (9) *Portable sign:* Any sign not permanently attached to the ground that can be removed without the use of tools, excluding construction signs, event signs, realty signs and sidewalk signs.
- a. *Regulations:* Such signs may be placed on private property only with the permission of the owner of such property, on city property only with the approval of the building official, or on other public property only with the permission of the agency owning the property. Such signs shall not be illuminated.
 - b. *Area limitations:* Thirty-two square feet maximum area.
 - c. *Time limitations:*
 - 1. Posting—fourteen days prior to the event.
 - 2. Removal within three days after the event.
- (10) *Sidewalk sign:* A sign designed to be placed on the ground or sidewalk adjacent to an establishment in order to advertise or call attention to the goods or services offered at that establishment.
- a. *Regulations:* Sidewalk signs are permitted only for establishments in the (historic) central business (C-G) district. One such sign is permitted per establishment. It shall be prohibited to erect or cause to be erected a sidewalk sign in any public right-of-way or sidewalk in a manner that endangers public safety, creates a

pedestrian or traffic hazard, creates an obstacle or barrier in a side walk or public right-of-way such that the sidewalk or public right-of-way fails to comply with any relevant provision of the Americans with Disabilities Act

- b. *Area limitations:* Eight square feet maximum area and a maximum width of two feet.
 - c. *Time limitations:* A sidewalk sign may be placed or used only during the actual business hours of the establishment to which it refers.
- (11) *Special event sign:* A temporary sign pertaining to any civic, patriotic, or special event of general public interest.
- a. *Time limitations:*
 - 1. Posted—seven days before the event.
 - 2. Removal—three days after the event.
- (12) *Temporary new business sign:* A sign intended to display messages of a transitory or temporary nature.
- a. *Regulations:* Any sign not permanently embedded in the ground, or not permanently affixed to a building or sign structure that is permanently embedded in the ground, are considered temporary signs.
 - b. *Area limitations:* Thirty-two square feet maximum.
 - c. *Time limitations:*
 - 1. For new businesses the sign must be removed upon installation of the permanent sign or within 30 days after the city issues a certificate of occupancy for the business, whichever comes first.
 - 2. Otherwise as may be provided in section 24-62—Prototype definitions.
- (13) *Vehicle sign:* A sign attached to or painted on a vehicle identifying a business when the vehicle is primarily used in the normal day-to-day operations of the business. A sign in a vehicle window advertising the vehicle itself for sale or containing an incidental non-commercial statement by the vehicle owner is exempted from this definition.
- a. *Regulations:* Vehicles parked in such a way that they intended to be seen for advertising purposes, parked in unlawful or unauthorized location, or not parked in conformity with the identified parking space are expressly prohibited.

b. *Time limitations*: Vehicular signs on vehicles that are parked in an area visible from the public right-of-way for more than 12 hours are prohibited. (Ord. No. 2016-001, § 07.02, 9-22-15)

Sec. 24-64. - Functions and usage definitions.

Words and phrases defined in section 24-64—Functions and uses definitions are relative to the ways that signs function and are used, as opposed to definitions contained section 24-62—Prototype definitions, section 24-63—Temporary signage, section 24-65—Sign industry definitions, or section 24-66—Governance definitions. Specific definitions and nomenclature shall have the meanings set forth in each section.

- (1) *Animated sign*: A sign depicting action, motion, light, or color changes through electrical or mechanical means. Although technologically similar to flashing signs, the animated sign emphasizes graphics and artistic display.
 - a. *Regulations*: Not permitted in the City of Castroville or its ETJ areas.
- (2) *Auxiliary sign*: A sign, not part of another sign, which is secondary and incidental to the principal use of any non-residential premises.
 - a. *Regulations*: Must submit a sign permit application although auxiliary signs are exempt from the requirement to obtain a sign permit, provided the signs are not illuminated, have an area of three square feet or less and complies with all other provisions of this and other applicable ordinances. The application is to establish conformance with this chapter prior to installation.
- (3) *Changeable copy sign*: A sign in which the message can be changed manually or by remote input without structural changes to the sign.
 - a. *Regulations*:
 1. The changeable copy area shall be part of the allowable area for specific sign regulations and shall not be more than 50 percent of the allowable sign area for the applicable signage regulations established herein. (See specific sign regulations for actual areas allowed.) The other 50 percent of the sign area shall be allowable non-changeable signage.
 2. Audio speakers or any form of pyrotechnics are prohibited.
 3. All electronic graphic display signs must be set back at least half of the required distance for the building setback line from the street front property line.
 - b. *Area limitations*: Limitations determined by regulations of general type of sign. (See additional signage definitions.)
 - c. *Height limitations*: Limitations determined by regulations of general type of sign. (See additional signage definitions.)
 - d. *Manually changeable copy*: Changeable sign whose message can only be changed manually on a display surface.
 - e. *Electronic changeable copy*: A sign that includes provisions for electronic message changes, also called changeable copy panel, changeable-copy sign, electronic message center, menu board or video display sign.
 1. *Regulations*: For signs with electronic changeable message panels or tracks, the changeable message area of the sign shall not exceed 50 percent of the total sign area. The changeable message display may consist of alphabetic or numeric characters and special visual effects including animation, but it shall not have any distracting special effects that would create a visual impact that could distract motorist or simulate emergency vehicles. Changeable message signs are further regulated by the specific sign and usage definitions herein.
- (4) *Commercial complex identifier*: A free-standing sign located on property that may be separated from the

principal development which advertises multiple establishments, but the property shall be part of the same PUD or subdivision. The sign shall contain the name of the commercial complex and listing the individual tenants in the complex.

a. *Regulations:*

1. *Commercial complex:*

- i. Only one free standing sign shall be permitted per containing less than two acres.
- ii. A commercial complex with a land area of two acres or more may have one such freestanding sign along each street which borders the complex for a distance of 200 feet or more.
- iii. If the commercial complex is made up of separate lots (i.e.; business park/industrial park), the free standing sign may be an off-premise sign; however, it shall be located on one of the lots within the complex.

2. *Individual establishment:* A separate free standing sign located within a commercial complex may be permitted only if the establishment meets both of the following conditions:

- The establishment is located along a street bordering, or within, the complex and in a separate building from the principal building of the complex;
- The establishment has a separate parking area from the principal parking area of the complex, which may connect with the principal parking area but is visually set off from that area by fencing or landscaping.

b. *Area limitations:* Limitations determination by regulations of general type of sign. (See specific signage and usage definitions.)

c. *Height limitation:* Determination by regulations of general type of sign. (See specific signage and usage definitions.)

d. *Special uses:* Refer to Article VI, Signage and Special Uses for special restrictions and limitations for this definition.

(5) *Commercial sign:* Any sign, regardless of its location or construction, whose wording or other contents, directly or indirectly, names, advertises or calls attention to any business, product, service, institution, organization, event, cause, purpose or other activity.

a. *Regulations:* See specific sign and usage regulations.

(6) *Directional sign:* Any sign that is designed and located (on or off premises) for the purpose of providing direction and/or orientation for pedestrian or vehicular traffic.

a. *Regulations:* A directional sign that is located off premise may not contain any commercial message except the name, logo or other symbolic identification of the establishment to which the sign is secondary. Signs located on landmark properties or located in historical districts are subject to design review and approval by the Castroville Historic Landmark Commission prior to permitting and/or installation.

b. *Area limitations:*

1. Six square feet maximum area for single establishment.
2. Twelve square feet for a historic district directional sign identifying multiple establishments in the historical district (HE) or historic central business district (CG).
3. *Special uses:* Refer to Article VI, Special Uses, for special restrictions and limitations for this definition.

(7) *Electrical sign:* Any sign that requires use of electricity shall be powered by the existing electrical grid serving the sign location or, upon application and approval by the city, may be powered by a solar panel designed specifically to power the sign, and provided such solar power is only "off-grid" and for the specific intended sign usage.

(8) *Integral sign:* A sign that is part of the building construction indicating the name of a building, the date, or other information of historical interest about the building's construction as clearly distinct from the name of an establishment or entity occupying the building.

- a. *Area limitations:* The area of an integral sign shall not be counted toward the limit on the area of wall signs on the same wall, provided that the integral sign contains no commercial message substantially duplicating another sign.

(9) *Mobile sign:* A sign located on a vehicle or trailer used in a manner for advertising an establishment. A mobile sign does not include signs that are painted on or attached to a vehicle or trailer that is incidental to the primary purpose of the vehicle or trailer and such vehicle or trailer is used in the business' day-to-day business.

- a. *Regulations:* Signs on vehicles that are parked in an area visible from the public right-of-way for more than 12 hours in a way intended to be seen for advertising purposes are expressly prohibited.

(10) *Official signs and notices:* Signs and notices erected and maintained by public officers or public agencies within their territorial jurisdiction and pursuant to and in accordance with direction or authorization contained in federal, state, or local law for the purposes of carrying out an official duty or responsibility. Historical markers authorized by state law and erected by state or local governmental agencies or nonprofit historical societies shall be considered official signs.

- a. *Regulations:* Any sign erected or required to be erected by any governmental entity or public utility to give information, directions or warnings to the general public, regardless of the sign's location on public or private property.

(11) *On/off-premises sign:*

- a. *Off-Premises Sign:* "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." (Texas Local Government Code.)

1. *Regulations:* Off-premises signs are prohibited, with the following exceptions:

- i. Commercial complex identifier signs;
- ii. All state and local traffic control signs are exempt from this provision;
- iii. Historic district directional signs;
- iv. Way-finding signage

2. *Special uses:* Refer to Article VI, Signage and Special Uses, for special restrictions and limitations for this

definition.

- b. *On-premised sign*: "On-premise means a freestanding sign identifying or advertising a business, person, or activity, and installed and maintained on the same premises as the business, person, or activity." (Texas Local Government Code.)

- 1. *Regulations*: Regulation varies dependent upon specific sign type and usage regulations.

- (12) *Pennant*: A triangular or irregular piece of fabric or other material, commonly attached in strings or strands, or supported on small poles intended to flap in the wind.

- a. *Regulations*: See temporary sign regulations.

- (13) *Public service sign*: A sign or part of a sign which is devoted to changeable messages of general public information, such as the current time and temperature or an index of stock market averages, without other commercial content.

- a. *Regulations*: A public service sign shall be placed only in a non-residential districts and only as an on-premises sign of the establishment sponsoring the sign.

- b. *Area limitations*: Thirty-two square feet maximum, regardless of whether the public service sign is a separate sign or integrated as a component of another sign.

- c. *Special uses*: Refer to Article VI, Signage Special Uses, for Special Restrictions and Limitations for this definition.

- (14) *Real estate sign*: A temporary sign advertising the sale, lease, or rental of the property or premises upon which it is located.

- a. *Regulations*: Only one such sign shall be permitted per street fronting the lot or tract.

- b. *Area limitations*:

- 1. Six square feet in a residential area;

- 2. Thirty-two square feet in a non-

residential area. (Ord. No. 2016-001, § 07.03,

9-22-15)

Sec. 24-65. - Sign industry definitions.

Words and phrases defined in section 24-65—Sign industry definitions are relative to the technical meanings of words associated within graphic and signage industry in the design of signs, as opposed to definitions contained section 24-62—Prototype definitions, section 24-63—Temporary signage, Section 24-64—Functions and uses definitions, or section 24-66—Governance definitions. Specific definitions and nomenclature shall have the meanings set forth in each section.

Area: The square foot area enclosed by the perimeter of the sign face—excluding any sign supports or supporting framework, and any finials, decorations or scroll work entirely outside the area of substantive sign content. The area to be measured includes any material or color forming an integral part of the background of the display or used to differentiate the sign material from the backdrop or structure against which the sign is placed. The area of a sign, or a portion of a sign, composed only of free-standing letters, figures, or other characters shall be the area of the smallest simple imaginary figure (circle, triangle, rectangle, or other) which fully contains the sign content.

Abandoned sign: A sign whose message describes the availability of goods or services at a location where such goods and services are no longer available and have ceased to be available for a period of at least 60 days or, in the alternative, a sign which is non-commercial in nature and the content of the sign pertains to a time, event or purpose which has elapsed or expired in the preceding 60 days. Such abandonment should include intentional conduct, such as failure to pay taxes or permit fees, or to maintain the sign, or a negligent failure to do so.

Building façade: That portion of any exterior wall of a building, extending vertically from grade to the top of a parapet wall and/or eaves and horizontally across the entire width of the building wall.

Cone of vision: The area that is clearly visible to a driver, generally described as a "fan-shaped envelope" preceding the driver which allows the driver to safely see and observe moving objects and persons in front of and to the immediate left and right of the driver.

Canopy (attached): A roofed element of a building that may be either cantilevered from a structure, supported by attachment to a building on one or more sides, or may be a free-standing structure with separate supporting columns.

Complying sign: A sign that is legally installed in accordance with federal, state, and local permit requirements and laws.

Conspicuity: The capacity of a sign to stand out or be distinguishable from its surroundings and thus be readily discovered by the eye. It is the noticeable contrast between a sign and its background, attributed to an exogenous (unplanned) or endogenous (planned) mindset, with the display having features that attract attention to the sign.

Contrast: The difference or degree of difference in the appearance of adjacent surfaces, such as light and dark areas, different colors, or typefaces, and graphics appearing on various backgrounds.

Copy: The words and/or message displayed on a sign.

Copy area: That area which displays the actual copy on a sign.

Height: The vertical distance between the highest component of the sign or of its supporting structure and the average existing ground level beneath the sign unless the curb elevation at the street in front of the sign is higher than the established ground level, in which case the height shall be measured from the height of the center of the adjoining street.

Legibility: The physical attributes of a sign that allow for differentiation of its letters, words, numbers, or graphics, which

directly relate to an observer's visual acuity. *Luminance:* An objective measurement of the brightness of illumination,

including illumination emitted by an electronic sign, measured in candles per square foot. *Municipality:* The body of

officers, taken collectively, belonging to a city, town or village, who are appointed to manage its affairs and defend its interests.

Non-complying: A sign that was legally erected and maintained but does not currently comply with sign restrictions because such restrictions were enacted after the sign was originally permitted and installed.

Organization: An entity, including a natural person, which owns or operates the premises where an on-premise sign is displayed.

Readability: That which enables the observer to correctly perceive that information content of letters, numbers or symbols grouped together in words, sentences, or other meaningful relationships on the sign. Readability is the character of a sign which leads to the observer's comprehension of its intended message, and depends on legibility and other considerations of contents and time restraints.

Secondary copy: The words or messages on a sign which are meant to be read from automobiles that are idling or parked along a road way.

Sign: Any device, singular and collectively, whose essential purpose and design is to convey messages by means of "an outdoor structure, sign, display, light device, figure, painting, drawing, message, plaque, poster, billboard, or other thing that is designed, intended, or used to advertise or inform." (Texas Local Government Code.)

Sign structure: Any structure specifically designed for the support of a sign.

Signage: A community's inventory of signs used to communicate information or attract attention, including signature building, product displays, and dispensers, as well as traditional projecting, wall, roof, and freestanding signs.

Visibility: The physical attributes of a sign and its contents that allow for detection at a given distance, although legibility may be uncertain. (Ord. No. 2016-001, § 07.04, 9-22-15)

Sec. 24-66. - Governance definitions.

Words and phrases defined in section 24-65—Governance definitions are relative to the governmental, municipal, and regulatory meanings of words associated in administrative oversight of local signage requirements, as opposed to definitions contained section 24-62—Prototype definitions, section 24-63—Temporary signage, section 24-64—Functions and uses definitions, or section 24-65—Sign Industry Definitions. Specific definitions and nomenclature shall have the meanings set forth in each section.

City: Refers to the City of Castroville, Texas, and its extra-territorial jurisdiction (ETJ).

City administrator: The individual employed by city council to serve as the administrator of day-to-day operations of the city.

City council: Composed of councilmembers and the mayor, also known as the governing body of the city.

City council meeting: A regularly scheduled meeting or a called special meeting of the city council of the city held in conformance with the Open Meetings Act of the State of Texas.

City staff: Refers to the staff and employees of the city.

Commercial complex: Any non-residential development such as a shopping center, office park or industrial park, which consists of two or more establishments on one or more platted contiguous lots, some of which may be separated by a street(s), infrastructure easements, or dedicated right-of-ways.

Commercial sign: Any sign, regardless of its location or construction, whose message, directly or indirectly, names, advertises or calls attention to any business, product, service, institution, organization, event, cause, purpose or other activity.

Establishment: A use of land for any purpose which requires improvements in any form, excluding a residence or active agricultural use of the land, regardless of the commercial, nonprofit or public nature of the activity.

Extraterritorial jurisdiction (ETJ): The area extending one-half mile outside the city limits.

Historical districts: Areas of the city that have been designated as historical and as identified in the Castroville Zoning Ordinance (CZO).

Historic landmark commission: A commission of the city with the power of design review in the designated historical districts of the city and the individual landmark properties.

Landmark properties: Individual properties that have received historical designation by the city, the state, or the country and may or may not be part of a city designated historical district.

Non-residential area: The area within any non-residential zoning district inside the city limits. In the city's ETJ any lot or tract of land which is the site of an establishment or commercial complex.

Planning and zoning commission: An appointed commission of the city that reviews and makes recommendations to the city council on planning and zoning issues, rezoning cases, platting cases, reviews and oversees development of master plans and capital improvement plans and other related matters, It also hears variance requests and makes recommendations to the city council.

Regularly scheduled meeting: An identified, pre-determined, and regularly scheduled meeting of the city council or any board or commission of the city held in conformance with the Open Meetings Act of the State of Texas.

Residential area: Any residential zoning district in the city and any property in the ETJ that has be subdivided for residential development or any individual properties containing a single family residence that is not part of an adjacent agricultural operation.

Responsible party: Any entity (person, firm, organization) whose product, service, activity or enterprise is announced or advertised by a sign, or whose message is carried by the sign, and/or is the owner of the land upon which the sign is located.

(Ord. No. 2016-001, § 07.05, 9-22-15)

Secs. 24-67—24-70. -

Reserved. ARTICLE

VIII. - PERMITS

Sec. 24-71. - Applications, permitting, and fees.

Applicants who wish to erect signs or those seeking to significantly modify (i.e., a modification that costs 50 percent or more than the replacement cost of the original sign) existing signs must obtain a sign permit prior to installation/modification of the signs. Each sign permit application must be accompanied by the fee established by city in accordance with Castroville's current comprehensive fee schedule, and by such drawings, descriptions and other specifications as are compliant or reasonably necessary to determine whether the application meets the requirements of this ordinance. Upon receipt of a complete sign permit application, accompanied by the requisite fee(s), city staff, shall approve or deny said permit application, or the latest required revisions thereto, within 30 days of official acceptance of sign permit application or, if required, the revised sign permit application.

(1) *Permits:*

a. *Sign permits:*

1. Name, address, and telephone number of the applicant.
2. No person shall construct, erect, install, place, post, paint, or alter any sign, other than those permitted under this chapter, for either permanent or temporary use, without first obtaining a sign permit from the city staff.
3. Additional requirement of section 24-72—Historic landmark commission may also be applicable.

b. *Special-use sign permits:* In addition to requirements of sign permits, special-use sign permits require a copy of the executed agreement required in section 24-55—Signage agreements, that establishes complete terms and conditions under which the identified property will be fully developed and maintained, containing needed additional information relative to operations and management of signs and signage provided in Article VI, Signage and Special Uses, Off-Premises—Highway 90 Signage Areas.

c. *Official notifications:* Address on sign permit application shall be the address for official notifications to applicant unless applicant provides a different address in writing to the city.

(2) *Sign permit application:* Sign permit application shall be made upon forms provided by the city staff and shall include the following information:

- a. Name, address, and telephone number of the applicant.
- b. Name, address and telephone number of the business owner and the building owner.
- c. A drawing to scale of the proposed sign and all existing signs located on the premises, visible to the public.

- d. Written description of materials, construction and method of attachment including a detailed description of materials, colors, and letter height, type and style.
 - e. A drawing to scale of the site plan and/or the building façade showing the proposed location of the sign.
 - f. Location of the building, structure or tract to which, or upon which, the sign is to be attached or erected.
- (3) *Official acceptance of application:*
- a. The completion and filing of application forms with the city staff is not the official acceptance by the city of an application.
 - b. All required supporting documentation must be filed with the city staff prior to official acceptance.
 - c. Upon official acceptance, the permit application shall be stamped with a dated stamp and have the signature of the accepting official of the city.
 - d. The time frame for processing sign applications does not begin until official acceptance of the permit application has occurred and the date is indicated within the stamped document.
- (4) *Time frame:*
- a. Upon acceptance of the sign permit application, city staff shall have 30 calendar days to review the application for a sign permit.
 - b. A permit shall be issued on or before the end of the 30 calendar days review period if the application for a new sign or renewal complies with the regulations contained in this sign ordinance.
 - c. If the city staff does not issue a determination within the 30-calendar-day period, the sign permit is deemed approved.
 - d. If it is determined the application must be submitted to HLC for review and comment (landmark and historic properties), the permitting time frame is extended, up to, an additional 60 days.
- (5) *Approval/denial process:*
- a. A sign permit application may be denied by the city staff within the 30-calendar-day review period if the application fails to comply with the standards contained in this chapter. The city staff, in writing, shall inform the applicant of the reasons for denying the application for sign permit by certified mail.
 - b. Upon denial of a sign permit application, the applicant has 15 business days to (1) revise and resubmit the sign permit application for review by the city, or, (2) appeal the decision of the city staff to the planning and zoning commission.
 - c. If the applicant disagrees with P&Z's decision, applicant has another 15-days to request hearing before the city council.
- (6) *Final Determination:*
- a. The city council, at the next city council meeting, shall review the application with no deference to the final determination made by city staff and shall make independent findings in assessing the adherence of the application to the provisions of this chapter. If the city council finds the application meets the requirements of this sign ordinance, it will direct the city staff to issue the sign permit within ten business days.
 - b. Upon a final determination by the city council, unsuccessful applicants may seek to appeal to the courts.
- (7) *Permit fees:*
- a. The sign permit application fee for each sign permit, or for appeal of denial shall be as established in the city's Comprehensive Fee Schedule Handbook.
 - b. In the instance that substantial repair or replacement becomes necessary (i.e., repairs that cost more than 50 percent of the replacement cost of the damaged sign), the applicant must apply for a new sign permit.

- c. No sign permit shall be issued until all appropriate sign permit fees have been paid to the city.

(8) *Expiration of permits:*

- a. The sign permit shall be effective for a period of six months.
- b. If the authorized sign work has not been completed within six months of the date the permit was issued, the permit shall be deemed to have automatically expired and shall become null and void, requiring the submittal of a new sign permit application.
- c. Once constructed within the six-month window, the sign permits shall not expire providing that such signs are not abandoned or destroyed.
- d. A sign permit for any sign, whose use is limited to a time-period specified by this chapter, or whose removal is required at a certain time by this chapter, must be for a specified term that shall not exceed the time limit established by this chapter.

(Ord. No. 2016-001, § 08.01, 9-22-15)

Sec. 24-72. - Historic landmark commission.

- (a) *HLC approval:* Sign permit applications for individual landmarks in the city, or properties located within designated historic districts, shall require approval of the historic landmark commission and require applicant to follow the provisions set forth in Chapter 23 of the City of Castroville Code of Ordinances, which sets forth procedures to obtain approval of a certificate of appropriateness—which must be obtained prior to permitting.
- (b) *Certificate of appropriateness:* The review of sign permits applications for certificate of appropriateness shall be concurrent with other departments that must approve sign permit applications. Upon receipt of a complete application, the city staff, when applicable, shall present the application at the HLC's next regular scheduled meeting for consideration and action. Upon the determination of the HLC, city staff shall approve or deny said permit within 30 days of receipt thereof.

(Ord. No. 2016-001, § 08.02, 9-22-15)

Sec. 24-73. - Signage enforcement.

(a) *Enforcement:*

- (1) After a sign permit has been issued by the city, it shall be unlawful to change, modify, alter or otherwise deviate from the terms and conditions of the permit without prior approval by the city.

(2)

Whenever the city has evidence of a sign that, after the effective date of the ordinance from which this chapter derives, was erected, constructed, altered, repaired or relocated in violation hereof, the city shall require the party responsible for such sign to remove it.

(b) *City removal:*

- (1) If the responsible party fails to remove the sign within 72 hours after being notified to do so, the city that the illegal sign placement poses an immediate danger to the public, then such sign may be removed by the city and the city's actual cost of removal shall be charged to the responsible party.
- (2) Any sign so removed shall be impounded and shall not be returned to the party responsible until all applicable charges are paid. If any sign remains unclaimed for a period of more than 30 days, the city may destroy, sell, or otherwise dispose of the sign.

(Ord. No. 2016-001, § 08.03, 9-22-15)

Secs. 24-74—24-80. -

Reserved. ARTICLE IX. -

SAFETY

REQUIREMENTS

Sec. 24-81. - Miscellaneous requirements.

- (a) *Wind pressure and deal load:* All signs that have a height of six feet or more shall be designed and constructed to withstand wind load pressures in conformance with the city's building codes and/or TxDOT standards, whichever is greater.
- (b) *Electrical requirements:* All sign lighting shall utilize ground fault interceptors in the electrical supply circuit. All electronic signs must contain a default mechanism that freezes the sign in one position if a malfunction occurs and must adjust the intensity of its display according to natural ambient light conditions. The owner of an electronic sign must provide TxDOT or the city staff with contact information for a person who is available to be contacted at any time and who is able to turn off the electronic sign promptly after a malfunction occurs.
- (c) *Traffic safety:* No sign shall obstruct visibility or otherwise cause a traffic hazard.
- (d) *Certain illuminated signs:* No sign shall be illuminated to such an intensity or in such a manner as to cause a glare of brightness to a degree that it constitutes a hazard or nuisance to traffic. If TxDOT or the city staff determine that an electronic sign causes glare or otherwise impairs the vision of the driver of a motor vehicle or otherwise interferes with the operation of a motor vehicle, the owner of the sign, within 12 hours of a request by TxDOT or the city shall reduce the intensity of the sign to a level acceptable with TxDOT or the city. Failure to comply with such request will subject the owner of said sign to enforcement proceedings found in Article XIII, Enforcement.
- (e) *Obstructions to access/egress or fire protection:* No sign or advertising structure shall be erected, relocated, placed or maintained so as to prevent free ingress to or egress from any door, window or fire escape. No sign of

any type shall be attached to a stand pipe or fire escape, nor shall any sign be placed where it blocks access to a fire hydrant.

(f) *Safety or health hazard:* No sign or support structure shall constitute a hazard to safety or health by reason of inadequate design, construction, repair or maintenance. (Ord. No. 2016-001, § 09.01, 9-22-15)

Secs. 24-82—24-90. -

Reserved. ARTICLE X. -

VARIANCES

Sec. 24-91. - Procedural review.

- (a) *Procedure:* A responsible party seeking a variance from this chapter must file a request for variance with the city, along with a variance fee, as stated in the city's current comprehensive fee schedule. The city staff will indicate what documentation the responsible party must provide in support of the request.
- (b) *City council—Final authority:* The city council has final authority to approve a variance at a city council meeting in conformance with Texas Government Code, Chapter 551.

(Ord. No. 2016-001, § 10.01, 9-22-15)

Sec. 24-92. - Variance considerations.

When considering granting a variance in accordance with this section, the following considerations may be considered by P&Z and the city council.

- (1) *Special and unique hardship:*
 - a. Special or unique hardship because of the size or shape of the property on which the sign is to be located.
 - b. Hardship claim based on the exceptional topographic conditions or physical features uniquely affecting the property on which a sign is to be located.
 - c. The P&Z may take into consideration the demonstrated and documented correlation between the variance and protecting the public health and safety. The city staff will be more inclined to consider a variance request when it is sought during an earlier stage of the construction approval process, for instance when the responsible party is submitting/obtaining a plat, planned development district, development agreement, or site plan.
- (2) *Monetary consideration:* A showing that the display of a sign would be more profitable or the sign would be more valuable is not a special or unique hardship as required by this section.
- (3) *Recommendations and approvals:* Nothing herein shall preclude the P&Z from recommending or the city council from approving, or require the P&Z to recommend or the city council to approve, the granting of any variance.

(4) *Conditions:* The P&Z may recommend, and city council may impose, conditions upon the granting of a variance under this section. Such conditions must be related to the variance sought, and be generally intended to mitigate the adverse effects of the sign on neighboring tracts and the general aesthetic ambiance of the community. A responsible party's failure to comply with conditions placed on a variance may result in the city council voiding the variance and authorizing all available code enforcement actions and other remedies available in equity or at law.

(5) *Bases of decision:* The recommendations and decisions of approval or denial of variance requests considered by the P&Z and the city council shall be in writing. (Ord. No. 2016-001, § 10.02, 9-22-15)

Secs. 24-93—24-100. -

Reserved. ARTICLE XI. -

SIGN MAINTENANCE

Sec. 24-101. - Maintenance required.

- (a) *Maintenance:* All signs must be maintained in a structurally safe condition, freshly painted and/or in good repair.
- (b) *Repair or removal:* The city staff shall notify, by certified mail, the responsible party for any sign not so maintained, and the responsible party shall be required to perform the necessary maintenance or repairs within 30 days of receipt of the notice. Any sign not repaired within the allotted time may be removed by the city and the actual cost of such removal shall be charged to the responsible party for the sign. If an un-maintained or un-repaired sign is removed by the city and the sign remains unclaimed for a period of more than 30 days, the city may destroy, sell, or otherwise dispose of the sign.
- (c) *Removal of hazardous signs:* Any sign which in the judgment of the city staff has become an imminent hazard to public safety, either because of an incident of damage or because of neglect of maintenance, shall be repaired or removed by the responsible party without delay. Notice of the existence of the hazard shall specify the maximum time which may be allowed for repairs or removal in order to insure public safety, and the notice may be served upon the responsible party by certified mail. A hazardous sign which is not repaired or removed within the time specified in the notice shall be removed by the city and the cost of such removal shall be charged to the responsible party. If a sign has been removed by the city as a hazardous sign and the sign remains unclaimed for a period of more than 30 days, the city may destroy, sell, or otherwise dispose of the sign.

(Ord. No. 2016-001, § 11.01, 9-22-15)

Secs. 24-102—24-110. -

Reserved. ARTICLE XII.

- COMPLIANCE

Sec. 24-111. - Incentives for compliance.

- (a) *Variance incentive*: When considering granting a requested variance under this section or any other section, the city staff may take into consideration an applicant's commitment to bring pre-existing nonconforming signs into compliance with this section, and/or remove pre-existing nonconforming signs.
- (b) *Permit incentive*: If a responsible party voluntarily elects to bring a pre-existing nonconforming sign into compliance with this section, the city staff may waive the application fee for any required sign permits related to the specific property.

(Ord. No. 2016-001, § 12.01, 9-22-15)

Secs. 24-112—24-120. -

Reserved. ARTICLE XIII.

- MISCELLANEOUS

ISSUES

Sec. 24-121. - Sign contractor's license and insurance.

A sign may not be erected, altered, relocated, constructed, or maintained without a valid contractor's license when required by state or federal regulations. Those holding required contractor's licenses must have a current certificate of insurance on file which indemnifies the city for any form of liability. All electric signs must be constructed according to the technical standards of a certified testing laboratory.

(Ord. No. 2016-001, § 13.01, 9-22-15)

Sec. 24-122. - Violations.

The placement of any permanent or specially permitted sign without a sign permit shall be unlawful. Violations of this chapter shall be treated as strict liability offences regardless of intent. Violators will be fined \$200.00 per day per sign displayed in violation of this chapter.

(Ord. No. 2016-001, § 13.02, 9-22-15)

Sec. 24-123. - Repealer and relation to other ordinances.

Section 4, Sign Regulations, Comprehensive Zoning Ordinance 2005-15, is repealed in its entirety. This chapter shall not be construed to require or allow any act that is prohibited by any other ordinance—except those applicable requirements of section 59-29(a)(4)'s reference to "signs" shall be repealed herewith. This chapter is specifically subordinate to any ordinance or regulations of the city pertaining to building and construction safety or to pedestrian and traffic safety.

(Ord. No. 2016-001, § 13.03, 9-22-15)

Sec. 24-124. - Enforcement, violations and penalties.

- (a) *Enforcement:* Whenever the city staff has evidence of a sign that, after the effective date of the ordinance from which this chapter derives, was erected, constructed, altered, repaired or relocated in violation hereof, the city staff shall require the party responsible for such sign to remove it. If the responsible party fails to remove the sign within 72 hours after being notified to do so, or if it appears to the city staff that the illegal sign placement poses an immediate danger to the public, then such sign may be removed by the city and the city's actual cost of removal shall be charged to the responsible party. Any sign so removed shall be impounded and shall not be returned to the party responsible until all applicable charges are paid. If any sign remains unclaimed for a period of more than 30 days, the city may destroy, sell, or otherwise dispose of the sign.
- (b) *Right of entry:* Whenever necessary to make an inspection or to remove a sign to enforce any of the provisions of this chapter, the city staff may enter such property, building or premises at all reasonable times to inspect the same or to perform any duty imposed upon the city by this chapter.
- (c) *Persons responsible:* Unlawful signs found on private property shall be the responsibility of the responsible party.
- (d) *Presumption clause:* The fact that an unlawful sign is found on public property, in rights-of-way, on utility poles or private property shall be prima facie evidence that the responsible party is who unlawfully placed or erected the sign.
- (e) *Civil and criminal penalties:* The city shall have the power to administer and enforce the provisions of this chapter as may be required by law. Any person violating any of these provision is subject to suit for injunctive relief as well as prosecution for criminal violations. Any such violation are hereby declared to be a nuisance.
- (f) *Not required to show culpable mental state:* Unless required by state statute, allegation and evidence of a culpable mental state is not required for proof of an offense defined by this chapter.
- (g) *Criminal prosecution:* Any person violating any provision of this chapter shall, upon conviction, be fined a sum not exceeding \$200.00 per each violation. Each sign and each day that a provision is violated shall constitute a separate misdemeanor offense.
- (h) *Civil remedies:* Nothing in this chapter shall be construed as a waiver of the city's right to bring a civil action to enforce these provisions and to seek remedies as allowed by law, including, but not limited to the following:
 - (1) Injunctive relief to prevent specific conduct that violates this chapter or to require specific conduct that is necessary for compliance including removal of signs that are in violation at the expense of the sign owner; and
 - (2) A civil penalty up to \$200.00 per day when it is shown that the defendant was actually notified of the provisions of this chapter and after receiving notice of the commitment of acts in violation, failed to take action necessary for compliance; and

(3) Other available relief.

- (i) *Complaints*: The city will promulgate a complaint form for use by individuals or entities wishing to file a complaint regarding the legality of a sign. A completed complaint form should be submitted to city staff for investigation of the complaint.
- (j) *Severability*: If any portion of this chapter or any section or subdivision thereof be declared unconstitutional or in violation of the general laws of the state, such declaration shall not affect the remainder of this chapter which shall remain in full force and effect.

(Ord. No. 2016-001, § 13.04, 9-22-15)

Sec. 24-125. - No waiver of liability.

The provisions of this chapter shall not be construed as relieving or limiting in any way the responsibility or liability of any person that erects or owns any sign, from personal injury or property damage resulting from the placing of the sign, or resulting from the negligence or willful acts of such person in the design, construction, maintenance, repair or removal of any sign erected in accordance with a permit issued under the provisions of this chapter.

(Ord. No. 2016-001, § 13.05, 9-22-15)