

The Goals and Objectives of Glen Rose's Sign Ordinance

- Safety - Ensure signs do not create hazardous conditions or obstruct visibility for motorists, bicyclists, and pedestrians.
- Aesthetics - Promote attractive, high-quality signs compatible with the community's character. Avoid visual clutter.
- Fairness - Provide clear, consistent regulations and reasonable business opportunities to advertise while maintaining community standards.
- Property Values - Protect property values by avoiding sign clutter and maintaining community appearance.
- Business Identification - Allow businesses adequate identification while preventing signs from dominating the landscape.
- Constitutionality - Respect free speech rights and avoid regulating signs based on content. Focus on time, place, and manner regulations.
- Administration - Establish a straightforward permitting process with specific approval criteria and exemptions. Provide flexibility for unique circumstances.
- Enforcement - Ensure regulations can be equitably enforced. Balance being flexible and consistent. Enable the community to abate prohibited signs.
- Legal Defensibility - Comply with relevant court rulings on sign regulations. Avoid overly restrictive or ambiguous provisions.
- Adaptability - Allow regulations to evolve as conditions and technologies change while maintaining continuity responsibly.

Legal Framework to ensure that Glen Rose complies with higher-level regulations and respects constitutional rights like freedom of speech.

1. Notwithstanding anything in this ordinance that may be construed to the contrary, no sign or sign structure shall be subject to any limitation based upon the content or viewpoint of the message on such sign or displayed on such sign structure.
2. Any sign authorized by this ordinance may contain any lawful, noncommercial message that does not promote the sale of any product or service and complies with all other requirements.
3. Any commercial message may be substituted, in whole or in part, for any duly permitted or allowed noncommercial message, so long as the sign structure or mounting device is legal without consideration of message content. Such substitution of message may be made without any additional approval or permitting.
4. This ordinance shall not be construed to regulate signs based on the content or viewpoint of the message contained on the sign. Any provision that concerns the sign message shall be related to furthering a

substantial governmental interest not dealing with message content, such as traffic safety, aesthetic appearance, or public welfare.

5. This ordinance shall be interpreted in a manner consistent with the First Amendment guarantee of free speech. Where a particular application raises constitutional issues, the ordinance shall be interpreted to preserve constitutionality.

Definition of a Sign

Sign: Any device, structure, fixture, or placard using graphics, symbols, written copy, icons, logos, or visual images designed or used to communicate information or attract attention. This includes any exterior building surfaces or structural parts of buildings used to convey information when such surfaces or structural parts have been painted or otherwise altered from their original architectural appearance.

The following shall not be included in the application of the regulations herein:

- Flags of nations, states, and cities, or fraternal, religious, and civic organizations.
- Decorations customary for special holidays.
- Works of fine art displayed for the purpose of public art displays or competitions which contain no advertising material.
- Grave markers, statuary, commemorative plaques, historical tablets, and other remembrances of persons or events that do not exceed 4 square feet in area.
- Public notices required by governmental bodies.
- Traffic control and other public agency messages located within a public right-of-way.
- Building markers indicating building name, date of erection, or historical significance, under 4 square feet in area.
- Street address signs and combination nameplate and street address signs that do not exceed 6 square feet in area.

Examples of Sign Types

Many different types of signs can be used to convey information visually. Here is an overview of many but not all common sign types:

Wall/Flat signs: Flat signs mounted flush against a building wall. Common for retail stores and restaurants.

Projecting signs: Signs mounted perpendicular to and projecting from a building's wall. Often used in downtown areas.

Monument/Ground signs: Freestanding signs built low to the ground on a solid base or low posts and used for business identification.

Pole signs: Freestanding signs mounted on tall poles or pylons. Common along highways or to mark business entrances.

Marquee signs: Elaborate permanent structures with signage over a building entry. They are used for theaters, hotels, etc.

Awnings/Canopy signs: Signage printed on or attached to awnings mounted over windows/doorways. Provides shade and business identification.

Window signs: Vinyl decals, painted signs, neon, etc. applied directly to storefront glass windows.

Changeable copy signs: Allow manual change of sign content, like boards with removable letters. Digital signs can change electronically.

Sandwich board/A-frame signs: Temporary portable signs with an A-shape. Placed near business entrances.

Vehicle/Trailer signs: Signs mounted to vehicle surfaces like cars, trucks, trailers parked on-site.

Murals: Artistic paintings or relief sculptures on building exteriors that advertise or identify the business inside.

Temporary signs: Signs not permanently installed like banners, yard signs, inflatables, and used for promotions.

Billboards: Large format outdoor advertising signs aimed at highway traffic.

Wayfinding/Directory signs: Provide directional and map information to direct visitors.

There are many other specialty sign types like roof signs, suspended signs, LED signs, etc.

Section X.X - Speech Regulations

A. This ordinance is intended to regulate signs consistent with applicable U.S. Supreme Court and Federal court rulings. This ordinance does not intend to regulate the content of messages displayed on signs.

B. All signs bearing noncommercial speech are permitted anywhere that advertising or business signs are permitted, subject to the same regulations applicable to such signs. The message displayed on a sign shall not be considered in determining whether a sign complies with this ordinance's size, height, area, location, or other physical characteristic regulations.

C. Signs bearing obscenity, true threats, or unlawful speech that incites imminent violence or lawless action are not protected by the First Amendment and may be prohibited.

D. This ordinance shall be interpreted in a manner consistent with the First Amendment guarantee of free speech. If any provision of this ordinance is found by a court of competent jurisdiction to be invalid, such finding shall not affect the validity of other provisions of this ordinance, which can be given effect without the invalid provision.

E. Signs approved by the city council or other designated body with a legitimate public forum purpose, such as murals, shall not be considered signs for the purposes of this ordinance but are regulated under [public art ordinance section].

F. Examples of prohibited regulation of noncommercial messages under this ordinance include:

- Allowing unlimited display of certain flags but limiting the display of others. All noncommercial flags must be treated equally.

- Allowing political signs only during election seasons. Political signs are permitted year-round.

- Exempting ideological or religious signs from permit requirements. All noncommercial signs are subject to the same regulations based on objective factors like size and height.

The key is to avoid regulating based on noncommercial speech's content, message, or subject matter. Signs should be defined and regulated based on objective factors only.

Section X.X - Prohibited Content

A. Signs bearing obscenity are prohibited. Obscene signs under this ordinance shall include any material or performance that:

1. The average person, applying contemporary community standards, would find appeals to the prurient interest;
2. Depicts or describes sexual conduct in a patently offensive way; and
3. Taken as a whole, it lacks serious literary, artistic, political, or scientific value.

B. True threats are prohibited. True threats under this ordinance shall include any communication containing a serious expression of intent to commit unlawful violence against a person or group.

C. Signs inciting imminent violence or lawless action are prohibited. Signs under this section include those that are likely to incite or produce imminent violence or lawless action, and which are made with the intent to incite or produce such action.

D. The following specific types of prohibited content include:

1. Signs containing fighting words, speech that by its very utterance inflicts injury or is likely to provoke imminent violence.
2. Signs detailing the unlawful private use of weapons or explosives.

3. Signs providing instruction for criminal conduct, such as manufacturing illegal drugs or evading lawful arrest.
4. Signs containing credible threats of violence meant to intimidate or coerce.
5. Signs intended to provoke listeners to imminent lawless action and likely to do so.

The key determination is whether the sign is intended to and likely to produce imminent lawless action based on its content, message, speaker, and context. Such determinations will be made carefully to protect First Amendment rights.

Section X.X - Maintenance

- A. All signs and sign structures shall be properly maintained in a safe, neat, and clean condition.
- B. All signs shall be kept free from rust, dust, dirt, and other debris.
- C. Illuminated signs shall be maintained in good operating condition, including prompt removal and replacement of all defective bulbs, tubes, neon, LEDs, or other illumination.
- D. All signs shall be free of cracked, damaged, or broken surfaces and loose materials. No sign shall have more than 20 percent of its surface area covered with disfigured, cracked, ripped, or peeling paint or poster paper for a period of more than 30 successive days.
- E. All signs shall be maintained in a level, upright condition.
- F. If the area around a monument or pole sign is landscaped, the landscaping shall always be maintained in good condition. Landscaping shall be regularly irrigated, mowed, and neatly trimmed.
- G. A sign shall not stand with bent or broken sign facing, with broken supports, with loose appendages or struts, or more than 15 degrees from vertical for a period of more than 10 successive days.

H. If a sign becomes damaged or dilapidated, the Code Compliance Officer shall give written notice to the property owner or lessee to repair or remove said sign within 30 days. If the owner or lessee fails to remove or alter the sign to comply with the standards set forth within the time specified in the notice, the City may remove such sign at the expense of the owner or lessee.

The Steps for Gaining Approval of Installing a Sign

1. Determine if a sign permit is required based on the type, size, and location of the proposed sign by reviewing the sign ordinance.
2. For signs requiring a permit, complete the sign permit application from the planning/zoning department. Submit the application with the permit fee.
3. Provide details about the sign, such as type (wall sign, monument sign, etc.), dimensions, materials, illumination, location on the property, and elevation drawings.
4. If required, based on the sign type, submit a site plan showing the proposed sign location in relation to buildings, street rights-of-way, sidewalks, and property lines.
5. If relevant, submit building façade elevations or streetscape drawings showing sign placement.
6. Provide proof of ownership or authorization from the property owner to install the sign.
7. If located in a designated historic district or on a landmark property, obtain a Certificate of Appropriateness from the Historic Review Commission.
8. zoning/planning staff will review the permit application for compliance with the sign ordinance. Any issues or needed revisions will be communicated to the applicant.
9. Once approved, pay any remaining permit fees and obtain the sign permit. A placard with the permit number should be posted on-site.
10. Schedule necessary electrical and building inspections for illuminated or large signs.

11. Install the sign per the approved permit. Contact the zoning office once completed.

12. Signs must be maintained pursuant to the sign ordinance. Permits may need to be renewed periodically.

The Following Signs Do Not Require a Permit

- Address signs - Signs displaying street address numbers of 6 square feet or less.

- Window signs - Signs applied directly on glass surfaces, as long as they do not exceed a certain percentage (typically 25-50%) of the window area.

- Political signs - Noncommercial signs expressing support for political candidates or ballot measures.

- Real estate signs - Temporary signs advertising property for sale, lease, or rent. Typically limited in number and size.

- Construction signs identifying architects, engineers, and contractors on a work site.

- Sandwich board signs - Portable A-frame signs placed outside businesses. Often limited in number and size.

- Directional/wayfinding signs - Signs providing directional assistance for vehicles and pedestrians.

- Plaques - Commemorative plaques less than 4 square feet in size.

- Flags - Flags of nations, states, or fraternal/religious organizations.

- Holiday lights/decorations - Temporary holiday displays.

- Interior signs - Signs not visible from public right-of-way.

- Temporary signs - Meeting specified size limits such as under 6 square feet.

- Murals - May be exempted if they meet public art program guidelines.

- Government signs - Traffic, public notice, and other government signs.

The sign ordinance will specify exact size thresholds, time limits, placement rules, and other conditions that allow these sign types without a permit. Zoning staff should still review to ensure compliance.