

ARTICLE 3.06. SIGNS

Sec. 3.06.001. Purpose.

The purpose of this article is to regulate the location, size, construction, duration, use, and maintenance of all signs within the City and its extraterritorial jurisdiction on a content-neutral basis. The general objectives of this article are to balance the rights of individuals to convey their messages through the lawful use of signs with the rights of the public to be protected from potential harm, to promote the health, safety, and welfare of the general public, and to aid in achieving the following goals:

- (1) *Safety*. To promote the safety of persons and property by providing that signs do not:
 - (A) Create a hazard due to collapse, fire, decay, and/or abandonment;
 - (B) Obstruct firefighting or police observation; or
 - (C) Create traffic hazards by confusing or distracting pedestrians, motorists, or cyclists.
- (2) *Provide information*. To promote the efficient transfer of information through the effective use of signs, with messages that:
 - (A) Afford priority to the conveyance of public safety messages;
 - (B) Allow businesses and services to identify themselves to the public;
 - (C) Allow potential customers to locate a business or service; and
 - (D) Ensure that the right of free speech is preserved.
- (3) *Environmental preservation and aesthetics*. To protect the public welfare and to preserve and enhance the appearance and economic value of the built environment, by providing that signs:
 - (A) Do not interfere with any scenic views;
 - (B) Do not create visual clutter to persons using the public rights-of-way;
 - (C) Do not create a nuisance to occupants or customers of adjacent property by sign size, height, brightness, or materials; and
 - (D) Do not have a detrimental effect on land or property values.
- (4) Any pictures or graphics depicted in this article are not intended to portray the content or intended message of a sign but are intended only to provide a visual example of the applicable requirements.

Sec. 3.06.002. Authority and jurisdiction.

- (a) The terms and conditions of this article shall apply to all signs located within either the City or its extraterritorial jurisdiction (ETJ), pursuant to V.T.C.A. Local Government Code, ch. 216, as amended. The administrative official shall be responsible for interpreting and administering this article. Allegations of errors in orders, decisions, and/or determinations by the administrative official in the administration of this article shall be handled in accordance with section 3.06.021 of this article.
 - (b) Signs located on property owned by the City, an independent school district or any other governmental agency are not required to meet the requirements of this article. However, signs located on property owned by the City shall be permitted only upon approval of the City Manager.
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Sec. 3.06.003. Definitions.

For the purposes of this article, the following words shall have the following definitions ascribed to them. Words not defined in this article shall be given their common and ordinary meaning.

Abandoned sign means a sign that remains in place and continues to advertise a business, lessor, service, owner, product, or activity that has ceased operations or has closed for 30 days or more, or pertains to a time, event, or purpose which no longer applies.

Administrative Official means a City employee appointed or otherwise designated by the City Manager to interpret and/or enforce the regulations of this article.

Attached sign means any sign affixed to, applied on, or supported by any part of a building located on-premises.

Awning sign means a permanent sign that is directly applied, attached, or painted onto an awning, which is a projection, shelter, or structure of canvas, metal, wood, or other similar approved material that covers a pedestrian walkway and is intended for protection from the weather or as a decorative architectural feature.

Banner sign means a temporary attached sign having characters, letters, or illustrations applied to plastic, cloth, canvas, or other light fabric, with the only purpose of such nonrigid material being for background.

Billboard sign means a large freestanding sign, generally supported by a metal frame, and consisting of two parallel sign faces which are oriented in opposite directions, used for the display of posters, printed, or painted advertisements that generally directs attention to a location other than the premises on which the sign is located.

Blade sign means a permanent sign mounted under an awning or other roof-like structure of a building facade that extends perpendicular to the normal flow of pedestrian traffic.

Building means any structure that has a roof supported by columns or walls for shelter, support, or enclosure intended for persons, animals, or material goods for any use or occupancy. When separated by dividing walls without openings in a manner sufficient to prevent the spread of fire, each portion of such structure separated may be deemed as a separate building.

Canopy sign means a permanent sign that is applied, attached, painted, or affixed on a canopy or other roof-like cover over gasoline fuel pumps, vacuum area at car detail facilities, drive-through ATMs (when structure is not attached to the machine), or other areas where services are provided to a patron in a vehicle of which the structure is intended for protection from the weather or as a decorative embellishment.

Certificate of occupancy means an official certificate issued by the City which indicates conformance with building, zoning, and health safety regulations and authorizes legal use and occupancy of the premises for which it is issued.

Changeable electronic message/reader board component or sign (CEMS) means a permanent sign, a portion of a permanent sign or a residential real estate sign designed to allow wording or images to be changed at periodic intervals, either manually or electronically, and is operated whereby light is turned on and off intermittently. This definition includes any illuminated sign in which such illumination is not kept stationary or constant in intensity and color at all times when said sign is in use, including a light emitting diode ("LED") or digital sign. A term "changeable electronic message/reader board sign" does not include a sign located within the right-of-way that functions as a traffic-control device and that is described and identified in the Manual on Uniform Traffic Control Devices approved by the Federal Highway Administrator as the national standard.

City means the City of Joshua.

City Manager means the City Manager and/or other City employee designated by the City Manager.

Construction fence sign means a temporary sign containing graphics, symbols, text or images securely attached to, or printed directly onto the screening fabric of, a temporary fence or barrier placed around an active construction site.

Development sign means any temporary sign intended for display for a limited period of time and is designated with a timeframe as referenced in this article.

Dilapidated means any surface element, background, panels, or support of any sign that has finished materials that are missing, broken, bent, cracked, decayed, dented, harmful, hazardous, illegible, leaning, splintered, ripped, torn, twisted, or unsightly. Dilapidated is further defined as when the sign or its elements are not in compliance with the requirements of the National Electrical Code and/or the International Building Code currently adopted by the City .

Downtown means that area depicted in Figure 4 of the Downtown Framework Master Plan (Fall 2017), hereinafter referred to as the Downtown Master Plan.

Downtown sign means a freestanding permanent sign fabricated by using one or more visible posts to support the sign body.

Effective sign area means the area of the sign that is utilized for the display of information to include background, however, does not include the framework or base of the sign.

Elevations means drawings to scale of the external face of a building or structure.

Facade means any separate face of a building, including parapet walls and omitted wall lines, or any part of a building which encloses or covers usable space. Where separate faces are oriented in the same direction, or in directions within 45 degrees of one another, they are to be considered as part of a single facade.

Flag means a piece of fabric attached to a staff or cord on one end and generally used as a symbol of a nation, state, political subdivision, or organization.

Flagpole means a freestanding device permanently placed in the ground for the purpose of flying a flag of a nation, state, political subdivision, or organization.

Frame duration means the time during which the frame continues on a CEMS.

Government/regulatory sign means any sign for the control of traffic or for identification purposes, street signs, warning signs, railroad crossing signs, and signs of public utility and service companies indicating danger or construction, which are erected by or upon the order of a public officer, employee or agent thereof, in the discharge of official duties.

Graffiti means pictures, words, slogans, images, or other artwork painted, drawn, scratched, or applied in any manner to exterior walls, fences, structures, vehicles, stone, statues, buildings, or other items in public view. Graffiti includes the illegal or unauthorized defacing of a building, wall, or other edifice or object by painting, or otherwise, marking it with words, pictures, symbols, advertising, logos, relations with a group, indecent/vulgar images, or offensive language.

Human sign means any hand-carried or held sign, symbol, or display on persons visible from the public right-of-way, which may include persons dressed in costume.

Impounded sign means a sign that is legally removed by the administrative official in accordance with the provisions of this article.

Incidental sign means a sign that is normally incidental to the allowed use on the property such as, but not limited to, directional signs, entrance, exit, or overhead clearance.

Inflatable sign means a temporary sign manufactured of plastic, cloth, canvas, or other light fabric and inflated with air.

Logo means any registered or recognized design, insignia, or other mark, which is used in advertising to identify an organization, individual, company, or product.

Major thoroughfare means a four to six lane divided roadway measuring a minimum 120 feet from rights-of-way, per the City's thoroughfare design standards.

Mechanical sign means any sign, which rotates, shakes, or moves by means of a motor, battery, or the like.

Merchandise display means any goods, wares, merchandise, or other advertising object or structure suspending from any building, pole, structure, sidewalk, parkway, driveway, parking area, or fuel pump island for the purpose of advertising such items.

Message transition means the process or period of changing from one message to another on a CEMS.

Minor thoroughfare means a four lane divided roadway measuring a minimum 90 feet and a maximum 110 feet from rights-of-way, per the City's thoroughfare design standards.

Model home monument means a temporary freestanding sign located within a residential district on a lot containing either a model home that is open to the public for view by customers or a construction or sales trailer for the purpose of builder identification.

Monument sign means a permanent freestanding sign that is supported from grade to the bottom of the sign, having or appearing to have a solid and opaque base independent of the principle building or structure, and is generally used to identify the name of a business and/or development on the property.

Multi-tenant monument sign means a permanent freestanding sign that is supported from grade to the bottom of the sign, having or appearing to have a solid and opaque base independent of the principle building or structure, and is generally used to identify multiple businesses within a single lot.

Neglected sign means a sign that has rust, loose parts, or damage as in missing panels, burned out lights, missing letters or characters, faded from its original color, or supports or framework with missing parts and is generally not maintained.

Nonconforming sign means a sign and its supporting structure which do not conform to all or part of the provisions of this article.

Nonresidential use means any structure or use not included in the definition of "residential use" contained in this article including, but not limited to, a home-builder model home, a temporary sales trailer, and an apartment leasing office.

Notice means a notice required by this article shall be sufficient if it is submitted by personal delivery, registered or certified mail with return receipt requested, and/or sending the notice through the United States Postal Service.

Obscene sign means a sign in which the dominant theme of material taken as a whole appeals to a prurient interest in sex, is patently offensive because it affronts community standards relating to the description or representation of sexual matters, and is utterly without redeeming social value.

Obsolete means no longer produced or used; out of date.

Off-premises sign means a sign that advertises, promotes, or pertains to a business, person, organization, activity, event, place, service, product, etc. at a location other than where the sign is located.

On-premises sign means a sign that advertises, promotes, or pertains to a business, person, organization, activity, event, place, service, product, etc. at the location of which the sign is located.

Outdoor machine sign means a sign located on an outdoor machine, device, or equipment which may include, but is not limited to, coin-operated vending machines, fuel dispensing pumps, telephone facilities, automatic teller machines, automotive vacuum cleaners, amusement rides, and similar machines, devices, or equipment.

Person means any person, firm, partnership, corporation, company, organization, or business entity of any kind.

Pole sign means a sign that is mounted on a single freestanding column, pole, upright, or brace placed in or upon the ground and is not a part of a building.

Political sign means a temporary sign announcing or supporting political candidates or issues in connection with a national, state, or local election.

Portable sign means any sign not permanently attached to the ground or to a building, which is designed to be easily transported or conveyed to different locations. This term includes, but is not limited to, signs on wheels or affixed to trailers or skids, tent signs, sandwich board (A-frame) signs, T-shaped signs, airborne signs, and similar devices.

Premises means a lot, parcel, tract, or plot of land together with the buildings and structures thereon.

Prima facie means accepted as correct until proven otherwise.

Prohibited sign means signs that do not comply with this or other applicable ordinances. Signs that are otherwise not allowed within City boundaries.

Projecting sign means a permanent attached sign that is wholly or partially dependent upon a building for support and extends more than 12 inches from said building, generally at a right angle.

Pylon sign means a permanent freestanding sign that has two or more supports and is permanently affixed to the ground by such supports, but not having the appearance of a solid base.

Residential real estate sign means a temporary sign placed on property indicating that a home or residential property is for sale, rent or lease.

Residential use means a structure where the primary purpose is to provide a permanent place of residence to an individual or family.

Residential yard sign means an on-site temporary residential sign used to publicize or announce information at the discretion of the homeowner or tenant of the property such as, but not limited to, home improvement signs, residential real estate signs, or school affiliation signs.

Restaurant use drive-through sign means a permanent freestanding sign used in conjunction with a drive-through or drive-in for patrons who remain in a vehicle.

Revolving sign means a sign that turns, spins, partially revolves, or completely revolves 360 degrees on an axis.

Right-of-way means the area on, below, or above a public roadway, highway, street, public sidewalk, waterway, or utility easement in which the City has an interest.

Roof sign means a sign mounted on and supported by the roof portion of a building, above the uppermost edge of a parapet wall and is supported by the building, or a sign that is painted directly upon the roof or top of a building.

Sandwich board (A-frame) sign means a portable sign consisting of two panels of equal size, which are hinged at the top and placed on the ground or pavement so as to be self-supporting.

Scoreboard means a sign located on or adjacent to an athletic field or stadium, which is used to display information pertaining to an event at the field or stadium.

Sculpted aluminum panel means an aluminum sign panel with text or graphic depictions cut out from the panel, typically with a translucent material covering the cut-out from the inner side of the panel.

Searchlight means any use of lighting intended to attract the general public by the waving or moving of light beams.

Sign means any form of publicity or advertising which directs attention to an individual, business, commodity, service, activity, or product, by means of words, figures, numerals, emblems, devices, trade names, or trademarks, or other pictorial matter that communicates information of any kind to the public.

Sign coordination plan means a document used to determine consistency and uniformity among signs, their overall location(s) on a given property, and the relationship of the signs to surrounding existing, proposed, and future improvements.

Special purpose sign district (SPSD) means an overlay district approved by City Council that exclusively addresses sign regulations within a unified development zone.

Strip center means a commercial building comprised of multiple, individual businesses on a single lot where the primary entrance for each tenant is generally accessed from the outside.

Subdivision means the division of a lot, tract, or parcel of land into two or more lots, plats, sites, or other divisions of land for the purpose, whether immediate or future, of sale or of building development.

Subdivision entry sign means a sign mounted to a screening wall or engraved into a masonry facade used to identify a residential development.

Total sign area means the total area of a sign, including the display, framework, and base.

Unified development sign means a freestanding permanent sign that is supported from grade to the bottom of the sign, having or appearing to have a solid and opaque base, independent of the principle building or structure, and generally used to identify the name of multiple nonresidential tenants within a unified development zone.

Unified development zone (UDZ) means multiple lots depicted on the same site plan that will be united through common building architecture, building color, building materials, signage, landscaping, access, and parking on contiguous parcels.

Vehicle means a motorized machine on wheels, treads, or runners by which any person, material, commodity, or property is or may be transported.

Vehicular sign means a sign painted upon or applied directly to (including magnetic) any truck, car, bus, trailer, boat, recreational vehicle, motorcycle, or other vehicle. Vehicular signs shall exclude bumper stickers, license plates, and inspection and registration stickers.

Waiver means an official written request to the City Council used to allow exceptions to regulations or requirements of this article.

Wall sign means a sign attached or painted directly to an exterior wall of a building or dependent upon a building for support with the exposed face of the sign located in a place substantially parallel to an exterior building wall to which it is attached or by which it is supported.

Wind device means any pennant flag, streamer, spinner, balloon, feather sign, or similar device made of cloth, canvas, plastic, or any flexible material designed to float or move freely.

Window sign means a sign affixed to any surface of a window (internal or external) or is located within three feet from the interior window of any establishment.

Wood frame sign means a temporary freestanding sign that is used to advertise new or future improvement or the sale of the commercial property on which the sign is located. In no case shall a wood frame sign contain information pertaining to off-premise use. Although wood frame signs are generally constructed of wood, the definition does not exclude metal or plastic signs used for the same purpose.

Sec. 3.06.004. Permit requirements.

- (a) *Permit required.* No sign, other than those listed in section 3.06.012 of this article as exempt from the requirement of permit, shall be constructed, placed, attached, altered, displayed, and/or secured to the ground, any building, and/or any structure, until a permit for such sign has been issued by the Development Services Department of the City . In no event shall a permit be required for any government/regulatory sign, and a government/regulatory sign may be placed in the public right-of-way.
- (b) *Application.*
 - (1) An application for a sign permit may be obtained from the Development Services Department of the City . The administrative official shall complete the review of an application for a sign permit within 30 days of the receipt of said application by the City . A permit shall be approved if a proposed sign conforms to all City ordinances and any currently adopted building codes that may be applicable.
 - (2) A diagram shall be provided showing the location of the sign on the property, any applicable dimensions of the proposed sign, as well as any applicable proposed electrical connections.
 - (3) Any sign may be required to provide engineer sealed plans, at the discretion of the administrative official, upon review.
 - (4) Incorrect information shall be grounds for revocation of the proposed permit.
 - (5) Plan review comments not addressed within 90 days of comments being sent shall result in the voiding of said permit.
- (c) *Fees.*
 - (1) Fees for sign permit applications shall be assessed in accordance with the City's currently adopted fee schedule.
 - (2) Nonprofit organizations are exempt from any applicable permit fees for temporary signage. They are, however, required to obtain a permit (if applicable) and comply with ordinance regulations.
- (d) *Work without a permit.* A fee of two times the amount of the permit fee shall be assessed for any work done without or prior to the issuance of a permit.
- (e) *Permit expiration.*
 - (1) A permit for a sign shall expire if the construction of said sign is not completed and inspected within 180 days from the date the permit is issued.
 - (2) Additional time may be approved by the administrative official with just cause, upon receipt of written request prior to expiration of said permit.
 - (3) Upon expiration of a sign permit, any work conducted will therefore be considered as work without a permit and shall be removed per section 3.06.011(b) of this article or shall be re-permitted with additional fees to be assessed.

Sec. 3.06.005. Sign contractor registration.

- (a) *Requirement.* A sign contractor who is registered with the City under this section is authorized to install, construct, or maintain any sign within the City as well as contract for such service. To be registered under this section, a sign contractor shall submit a contractor registration form, along with a valid state trade license (when applicable), a valid photo identification card, and proof of general liability insurance to the Development Services Department. A registration will be processed if all requirements of City ordinances are met.

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- (b) *Timeframe.* A registration is valid for the calendar year in which it is submitted.
 - (c) *Fees.* Please refer to the City's currently adopted fee schedule for any applicable registration fees.
 - (d) *Violations.* The registration of any sign contractor may be cancelled at the discretion of the Administrative Official, when such contractor repeatedly violates the requirements of this article. Conviction in court, whether appealed or not, on two or more violations over a period of 12 months, shall constitute evidence of repeated violation. Any registration thus cancelled shall not be renewed for such contractor, or anyone operating in collaboration with such contractor, until all such violations have been corrected. Once violations have been corrected and approval has been received by the administrative official, the contractor's registration may be renewed upon furnishing the bond required in section 3.06.006.

Sec. 3.06.006. Sign contractor certificate of insurance/bond.

- (a) *Requirement.* No registration for the installation, placement, and/or maintenance of signs shall be issued to any person nor shall any person install, place, or maintain any sign until such person has provided proof of general liability insurance in the amount of \$100,000.00 to the administrative official or filed with the City Secretary a surety bond in the sum of \$5,000.00. Such bond shall be approved by the City Manager and shall be conditioned for the installation and/or construction of signs in accordance with the ordinances of the City and the laws of the state. Said bond shall provide for the indemnification of the City for any and all damages or liability which may accrue against it by reason of faulty installation, construction, demolition, repair, removal, defects in, or collapse of any sign for a period of one year after construction or for such a period of time that said sign is maintained or serviced under the direction of the maker of such bond, whichever is longer. Such bond shall further provide for the indemnification of any person who shall, while upon public property or in any public place, incur damage for which the principal name in the bond is legally liable.
- (b) *Cancellation.* When any sign contractor's license has been cancelled as provided in section 3.06.005(d), such license shall not be renewed until the contractor furnishes an additional bond in the amount of \$5,000.00 guaranteeing compliance with the provisions of this article. Said bond will be in place for a period of two years following the renewal of the license and shall be provided on a form approved by the City Attorney.

Sec. 3.06.007. Inspections.

- (a) *Compliance inspections.* All signs that require a permit be obtained prior to construction shall require inspection by the administrative official as indicated on the City -approved permit and/or plan set.
- (b) *Periodic inspections.* The administrative official reserves the right to perform periodic inspections of all signs regulated by this article. The purpose of the inspection is to ascertain whether the same is obsolete, unsafe or insecure, dilapidated or deteriorated, and to ensure that the sign has been constructed in accordance with applicable ordinances, and any applicable permits. The method and time of such inspections shall be determined by the administrative official.
- (c) *Notice of noncompliance.* If the administrative official determines that any sign is unsafe, insecure, dilapidated, or deteriorated, he shall give written notice to remove or replace said sign to the person or persons responsible, in accordance with this article.
- (d) *Order of removal.*
 - (1) If the permit holder, owner of the sign, or owner of the property on which the sign is located fails to remove or repair the sign within ten days after said notice or fails to file an allegation of error in accordance with this article, the administrative official is hereby authorized to cause the removal of such sign.
 - (2) Any expense incident to the removal of said sign shall be paid by the permit holder, owner of the sign, or owner of the property on which the sign is located.

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- (3) Nothing contained herein shall prohibit the immediate removal, without notice, of any sign or portion of a sign, which is determined by the administrative official to be an immediate threat or danger to the health, safety, and general welfare of the public.
 - (4) The removal of the sign or portion of the sign shall be limited to the extent necessary to eliminate the threat to the health, safety, and general welfare of the public.
 - (5) The City is authorized to file a lien against any property, which is not otherwise exempt, to recover expenses incurred by the City for the removal of a sign or portion of a sign from a property.

Sec. 3.06.008. Sign specifications and design.

- (a) *Compliance.* All sign structures shall comply with this article, the zoning ordinance for the City, the building code as currently adopted, the National Electrical Code as currently adopted, and other City ordinances. If the standards as described herein are more restrictive, the provisions of this article shall apply.
 - (b) *Visibility.* All signs shall observe all visibility requirements. Signs shall not be placed within visibility triangles, corner clips, or V.A.M. (visibility, access, and maintenance) easements. No sign shall be constructed or displayed in such a manner as to interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal, or device.
 - (c) *Restrictions.* Unless otherwise permitted within this article, no person shall post or cause to be posted, attach, or maintain any sign:
 - (1) Upon any City-owned property or right-of-way except in accordance with V.T.C.A., Election Code, §§ 61.003 and 85.036, as amended; however, signs may be placed within one foot of any adjacent Texas Department of Transportation right-of-way property line.
 - (2) Upon any utility easement. Should a property owner be able to demonstrate to the administrative official and/or utility company that there is no other viable location, a sign may be located within the utility easement, subject to written approval from the administrative official and/or utility company, and a letter provided by the property owner releasing the City of any liability for repair or replacement of a sign damaged as a result of work occurring within said utility easement;
 - (3) Upon any tree, publicly owned light pole, or any utility pole or structure;
 - (4) Upon any fence, railing, or wall, except in accordance with section 3.06.012(2)(M);
 - (5) Upon any sidewalk within the right-of-way or a sidewalk easement, curb, gutter, or street, with the exception of house numbers or fire lane designations;
 - (6) Upon or to the supporting members of any fire escape, nor shall it be guyed to or supported by any portion of the fire escape;
 - (7) No sign shall be constructed closer than two feet from any telephone cable, power line, or any streetlight standard;
 - (8) No sign shall be constructed as to block, partially block, or interfere in any way with a required means of egress from any building or window;
 - (9) No sign shall block, interfere, or otherwise hinder pedestrian or vehicular traffic on a public sidewalk, a public thoroughfare, a fire lane easement, or a driveway required to access parking; and
 - (10) Signs constructed of glass or other material, which may shatter upon impact, are prohibited over public right-of-way.
 - (d) *Multiple signs on a property or building.* The permitting of a sign on a property or building shall not prevent the permitting of other types of signs on a property or building unless the signs are expressly prohibited herein.
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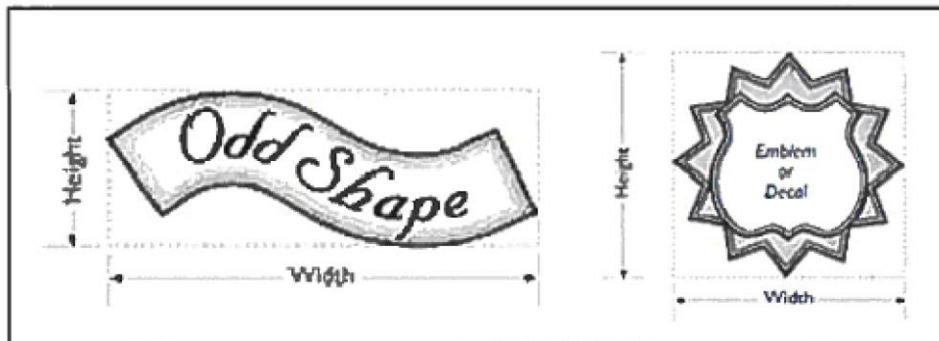
Sec. 3.06.009. Sign measurement.

(a) *Area.* The area of a sign shall be measured as follows:

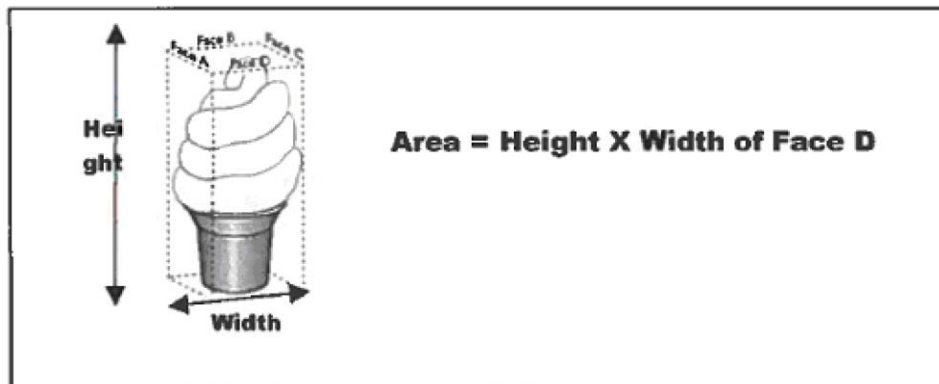
- (1) For signs in the shape of a square, rectangle, circle, or similar standard geometric shape, the area shall be calculated by using the standard mathematical formula (height multiplied by width, 3.14 multiplied by radius squared, etc.).



- (2) For signs with an irregular shape, the area shall be measured by drawing a box around the entire body of the sign, enclosing the sign elements with four intersecting lines and using the standard mathematical formula (height multiplied by width).

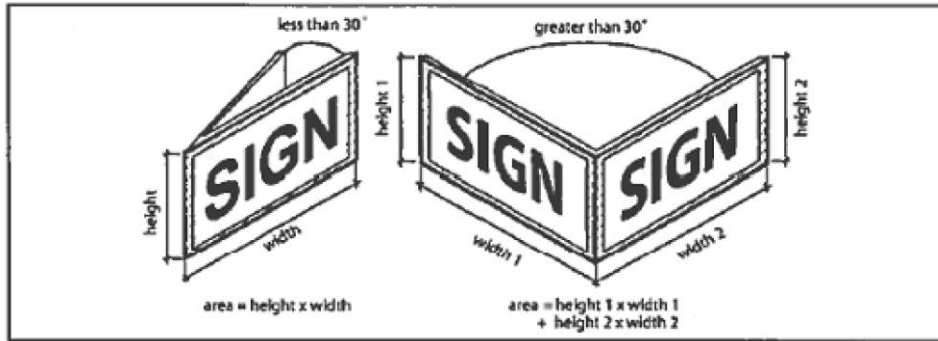


- (3) The area of a spherical, cylindrical, or other three-dimensional sign shall be measured by calculating the area of a two-dimensional drawing of the largest elevation of the sign.



- (4) Where a sign has two faces, the area of the largest sign face shall be used to determine the area of the sign provided the two faces are within 30 degrees from parallel. Where a sign has two or more faces

that are greater than 30 degrees from parallel, the sign area shall either be calculated as the sum of the area of each face, or the sign will constitute two signs (a V-shaped sign).

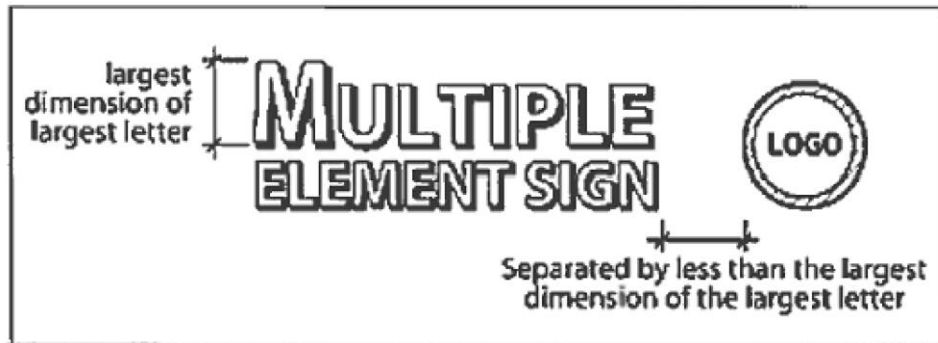


- (5) Letters forming a word or name shall be considered a single sign, regardless of the spacing between letters.

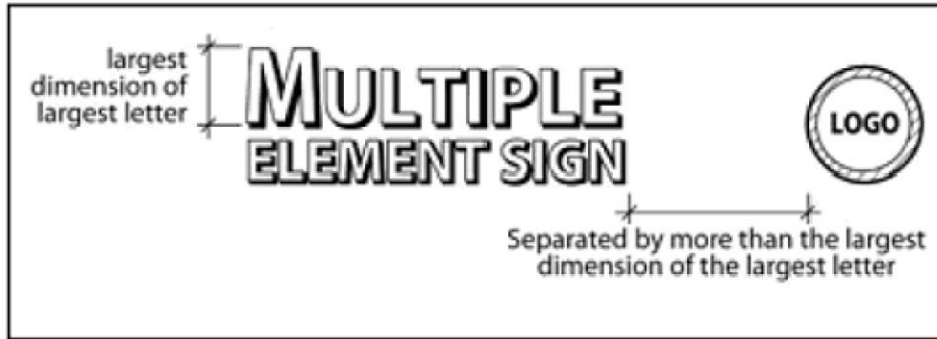


(b) *Multiple elements.*

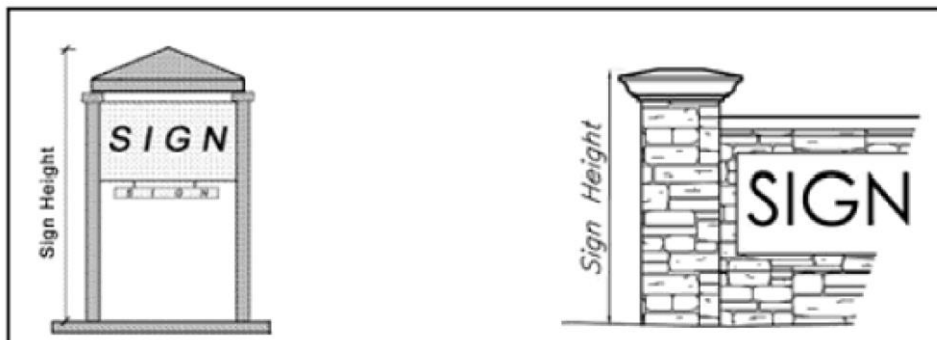
- (1) When two or more separate items in a sign are separated horizontally or vertically by less than the width or height of the largest letter, the items shall be considered a single sign and the area shall be determined by measuring the area enclosing the sign elements with straight, intersecting lines.



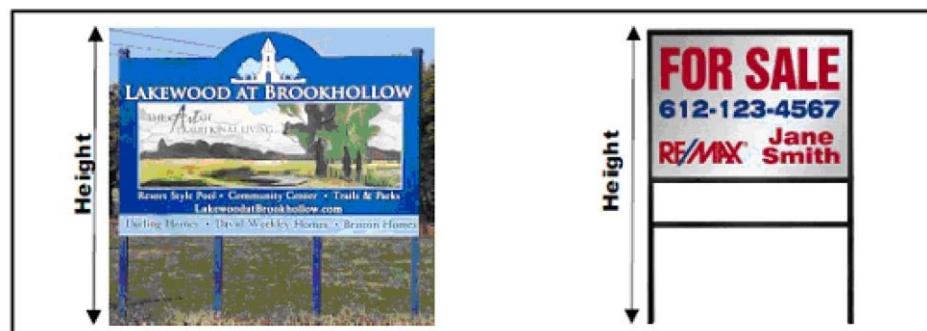
- (2) When two or more separate items in a sign are separated horizontally or vertically by more than the width or height of the largest letter, the items shall be considered separate signs and the area shall be determined individually.



- (c) *Height.* The height of all signs shall be measured from the top edge of the sign and/or support structure to the average finished grade of the ground below the sign and/or support structure. If a sign is located on a mound, berm, or other raised area for the sole purpose of increasing the height of the sign, the height of the mound, berm, or other raised area shall be included in the height of the sign.



- (d) *Supports.* The supports of a freestanding sign shall not be included in calculating the area of the sign, but shall be included in the measurement of the height of the sign.



Sec. 3.06.010. Prohibited signs.

The following signs are specifically prohibited:

- (1) Abandoned signs;
- (2) Merchandise displays, except as authorized by the zoning ordinance;
- (3) Billboard signs;
- (4) Graffiti;
- (5) Portable signs, unless specifically permitted within this article;

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- (6) Revolving/mechanical signs;
 - (7) Wind devices, excluding:
 - (A) Flags and banners as authorized by this article; and
 - (B) Feather signs displayed on non-residential property and in accordance with the following requirements for the feather sign: no more than 25 square feet per face, and no more than 50 square feet total surface; no more than 8 feet in height measured from the ground at base; 3 signs per premise at any one time; may not be displayed more than 60 days, and no display more than 2 times per year; and must be located more than 300 feet from any other portable sign. For purposes of this section, "feather sign" means a flexible or rigid pole to which one side of a flexible fabric, generally in the shape of a feather or similar shape, is attached and which is used for the primary purpose of advertising, way-finding or attention-getting by the public. Feather signs are also known under the names which include, but are not limited to, quill signs, banana banners, flutter banners, flutter flags, bowflags, and teardrop banners. A permit is required for any feather sign subject to this provision.
 - (8) Obscene signs;
 - (9) LED, string or similar lighting outlining windows, doors, or other similar building features;
 - (10) Skylights/searchlights, beacons, or laser lights, unless used in conjunction with a City authorized special event; and
 - (11) Other signs:
 - (A) Signs which move and/or are animated by means of flashing, traveling, or blinking lights, or other means not providing constant illumination, unless specifically allowed herein;
 - (B) Any sign which emits audible sound, odor, or smoke;
 - (C) Any lighted sign placed or displayed within 150 feet of a residentially zoned property, or designated as residential on the future land use plan, unless the lighting is shielded from view of the residential property and indirect light does not exceed 0.3 footcandles above ambient light conditions at the property line, as measured using a footcandle meter in a horizontal position at an approximate height of three feet above grade;
 - (D) Any sign placed on any traffic-control device or utility support structure or pole, or over public right-of-way or other public property, unless the sign is placed by the City, county, state, or other authorized governmental agency, or with the permission of the City, for public purposes, unless permitted within this article;
 - (E) Temporary signs remaining after expiration of permit issued by the City;
 - (F) Off-premises signs, unless specifically permitted within this article;
 - (G) Any sign placed without a permit, either prior to or after the adoption of this article, if a permit is required; and
 - (H) Any sign not referenced within, or governed by this article.

Sec. 3.06.011. Removal/impoundment of noncompliant signs.

- (a) *Notification.* All signs listed in this section and other prohibited or noncompliant signs shall be considered a public nuisance and are prohibited by this article. Upon identification of any prohibited sign, the administrative official shall provide written notification of the violation to the owner of the property on which the prohibited sign is located and/or the permittee of the sign. The notification shall state that the offending sign shall be removed by the property owner, agent, or person having beneficial use of the land,
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building, or structure upon which such sign is located within the time period prescribed by the administrative official. The notification shall further state that if the prohibited sign is not removed within a specific time frame (not to exceed ten days) a citation may be issued and the City may resort to any civil remedy available. If any sign is determined to present an immediate danger to the health, safety, and general welfare of the public, the City shall remove it immediately. Within ten days of the removal of the sign, the City shall notify the owner of the property on which the sign was located of the reason(s) for removal of the sign.

- (b) *Expired signs.* Signs authorized by a sign permit with an expiration date shall be removed promptly upon the date of expiration. Signs remaining after the date of expiration shall be deemed prohibited. The sign permit listing the expiration date shall be considered adequate notice of violation.
- (c) *Failure to comply.* It shall be unlawful for any person, firm, or corporation receiving such written notice or having an expired permit to fail to comply with the direction of the notice. In the event that there is failure to comply with such notice, provided under subsection (a), the administrative official is hereby authorized to cause the removal and impoundment of said sign. Any expenses incident to the removal of said sign shall be the responsibility of the owner, agent, or person having beneficial use of the land, building, or structure upon which said sign was located.
- (d) *City-owned property.* If a sign is placed within the public right-of-way or on a City-owned property in violation of this article, the sign shall be immediately removed and impounded.

Sec. 3.06.012. Criteria for permissible signs.

The following signs are permissible, subject to the following conditions and the specifications listed in section 3.06.008 of this article. Signs that do not comply with the following conditions and specifications or are not covered within this article are considered prohibited.

(1) *Attached signage.*

(A) *Awning sign.*

(i) *Location.*

- a. Permitted in conjunction with nonresidential uses or in a residential zoning district for apartment uses for which a building permit and/or certificate of occupancy has been issued.
- b. The supporting structure may not extend into or over the street right-of-way.
- c. No building shall have both a wall sign and an awning sign on the same building face.



- (ii) *Maximum effective sign area.* Seventy-five percent of the width of the awning.
- (iii) *Maximum height.* Four feet from base of awning.
- (iv) *Minimum clearance.* Nine feet in height above sidewalk or walkway.

(v) *Design.*

- a. Canvas, metal, wood, or other material approved by the administrative official.
- b. Minimum height for text or graphic elements shall be six inches.
- c. The awning shall be secured to the building and may not move in any manner.

(vi) *Permit required.* Yes. A sign reface requires a separate permit.

(vii) *Fees.* Per the City's currently adopted fee schedule.

(B) *Banner sign.*

(i) *Location.*

- a. Permitted in conjunction with nonresidential uses for which a building permit and/or certificate of occupancy has been issued.
- b. All four corners shall be securely attached to the front, side, or rear surfaces of a building, excluding banners located on public school property and banners located within the area designated as the "Old City District" in the City's future land use plan.
- c. Shall not face a residential neighborhood unless separated by a major or minor thoroughfare.



(ii) *Maximum total sign area.* Forty-eight square feet. The width of the banner sign shall not exceed the storefront width.

(iii) *Minimum clearance.* Nine feet in height above sidewalk or walkway, when installed in a location that may restrict pedestrian travel.

(iv) *Maximum number of signs.* One at any given time for any given business.

(v) *Maximum number of occurrences/year.* Three two-week periods per business per calendar year, can be consecutive.

(vi) *Exceptions.*

- a. A business is permitted to have one banner sign prior to the receipt of a certificate of occupancy for a period not to exceed six weeks. Shall not be counted against the allowances provided above.
 - b. One banner sign shall be permitted in connection with a special event permit that has been approved by the City .
 - c. Religious organizations that operate in a school or other temporary facility may place a banner during times of worship. The banner cannot be placed earlier than two hours prior to worship and shall be removed no later than two hours
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after worship. This banner shall not count against the businesses' annual allowance.

(vii) *Timeframe.*

- a. Each permit is valid for a two-week period.
- b. Prior to business certificate of occupancy: Permit shall be issued after issuance of a building permit and within six weeks after the issuance of the certificate of occupancy for a period not to exceed two weeks.
- c. Special event banner: Maximum 21 days.

(viii) *Removal.*

- a. Shall be removed on the day of the expiration of the permit.
- b. Special event banner: Within 24 hours after the event.

(ix) *Permit required.* Yes.

(x) *Fees.* Per the City's currently adopted fee schedule.

(C) *Blade sign.*

(i) *Location.*

- a. Permitted in conjunction with nonresidential uses for which a building permit and/or certificate of occupancy has been issued.
- b. Shall be located in the visual path of pedestrians, under covered walkways within a development.



(ii) *Maximum total sign area.* Three square feet.

(iii) *Maximum height.* Eighteen inches.

(iv) *Minimum clearance.* Nine feet above sidewalk or walkway.

(v) *Maximum number of signs.* One per tenant per elevation.

(vi) *Design.* The upper edge of a blade sign shall not extend vertically above the eave line of a structure.

(vii) *Lighting.* All lighting shall comply with the currently adopted National Electrical Code. Any electrical work that requires an addition or extension of circuits shall require a separate permit.

(viii) *Support.* Shall be supported from the top edge of the sign in an approved manner.

(ix) *Permit required.* No, but shall comply with the above conditions and specifications listed in section 3.06.008.

(D) *Canopy sign.*

(i) *Location.*

- a. Permitted in conjunction with nonresidential uses for which a building permit and/or certificate of occupancy has been issued.
- b. Shall be attached to the face of the canopy band that is parallel to a public street.
- c. Shall not project more than 12 inches from said band, and shall not project above, below, or beyond the edge of said band.



(ii) *Maximum effective sign area.*

- a. Forty-five square feet.
- b. No greater than 50 percent of the length of any one side of the canopy band shall be used for signage.

(iii) *Maximum height.* Three feet.

(iv) *Maximum number of signs.* One per public street frontage.

(v) *Design.* Shall only contain the name and/or logo of the company. Pricing and/or sale specials are prohibited.

(vi) *Lighting.*

- a. Canopy signs may only be internally lit.
- b. All lighting shall comply with the currently adopted National Electrical Code. Any electrical work that requires an addition or extension of circuits shall require a separate permit.
- c. Illuminated signs shall not operate at brightness levels of more than 0.3 footcandles above ambient light conditions at the property line, or at a distance equal to the square root of the area of the sign $\times 100$ (see formula below); whichever is closer to the sign, as measured using a footcandle meter. Illumination levels shall be measured at an approximate height of three feet above grade.

$$\sqrt{(\text{Area of Sign in Sq. Ft.} \times 100)}$$

- d. No sign or associated luminaire shall create light spillover of more than 0.1 footcandles at any property line within or bounding a residential use or residential district.

(vii) *Canopy banding.* Refer to the City's zoning ordinance as it exists or may be amended.

(viii) *Permit required.* Yes.

(ix) *Fees.* Per the City's currently adopted fee schedule.

(E) *Construction fence sign.*

(i) *Location.* Permitted in conjunction with nonresidential uses for which a building permit has been issued.



(ii) *Maximum effective sign area.*

- a. When printed directly onto the fence or barrier's screening fabric: One hundred twenty-eight square feet.
- b. When not printed directly onto the fence or barrier's screening fabric: Ninety-six square feet.

(iii) *Maximum height.* Eight feet.

(iv) *Maximum number of signs.*

- a. One per major street thoroughfare per property.
- b. When a property has more than one major thoroughfare, one temporary construction fence sign may be placed along each major thoroughfare.

(v) *Minimum spacing between signs.* A property with more than 200 feet of major thoroughfare frontage is entitled to place one additional temporary construction fence sign with a minimum separation of 200 feet between each temporary construction fence sign.

(vi) *Design.* Temporary construction fence signs that are not printed directly onto the fence or barrier's screening fabric shall be attached to the temporary fence or barrier with an approved rigid backing material that is securely affixed to the fence or barrier.

(vii) *Permitting stipulation.* Graphics, symbols, text or images shall advertise or depict only what is permitted and planned to be conducted, sold or offered on the premises on which the temporary fence or barrier is located.

(viii) *Removal.*

- a. Shall be removed prior to the issuance of a certificate of occupancy for the building on the property or the completion of construction.
- b. Where the property has multiple buildings with outstanding building permits, the temporary construction fence sign must be removed upon the earlier of:

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1. The expiration or termination of all such outstanding building permits; or
 2. Prior to the issuance of a certificate of occupancy for the last such building on the property.

(ix) *Permit required.* Yes.

(x) *Fees.* Per the City's currently adopted fee schedule.

(F) *Outdoor machine sign.*

(i) *Location.*

- a. Shall be directly attached to and flat, not projecting, from a machine.
- b. May be attached to a canopy, however, said canopy shall be attached as a part of a machine.
- c. Shall not obstruct pedestrian or vehicular travel.



(ii) *Lighting.* All lighting shall comply with the currently adopted National Electrical Code. Any electrical work that requires an addition or extension of circuits shall require a separate permit.

(iii) *Permit required.* No, but shall comply with the above conditions and specifications listed in section 3.06.008.

(G) *Projecting sign.*

(i) *Location.*

- a. Permitted in conjunction with nonresidential uses for which a building permit and/or certificate of occupancy has been issued.
- b. May project into right-of-way but shall be located a minimum of three feet from back of curb of any adjacent street or drive.



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- (ii) *Maximum total sign area.* Twelve square feet.
 - (iii) *Minimum clearance.* Nine feet above sidewalk or walkway.
 - (iv) *Maximum number of signs.* One per tenant per elevation.
 - (v) *Design.*
 - a. Minimum height for text or graphic elements shall be six inches.
 - b. Shall not extend above a building wall.
 - c. May extend no more than three feet from the facade of a building.
 - (vi) *Lighting.* All lighting shall comply with the currently adopted National Electrical Code. Any electrical work that requires an addition or extension of circuits shall require a separate permit.
 - (vii) *Support.* Shall be supported from the side edge of the sign in an approved manner.
 - (viii) *Permit required.* Yes. A sign reface requires a separate permit.
 - (ix) *Fees.* Per the City's currently adopted fee schedule.
- (H) *Roof sign.*
- (i) *Location.* Permitted in conjunction with commercial and industrial uses for which a building permit and/or certificate of occupancy has been issued.
 - (ii) *Maximum effective sign area.* 200 square feet in commercial zoning districts; 300 square feet in industrial zoning districts.
 - (iii) *Maximum height.* Ten feet from top of roof, not to exceed a total distance of 40 feet from the ground.
 - (iv) *Lighting.* All lighting shall comply with the currently adopted National Electrical Code. Any electrical work that requires an addition or extension of circuits shall require a separate permit.
 - (v) *Maximum number of signs.* One for each main structure.
 - (vi) *Permit required.* Yes.
 - (vii) *Fees.* Per the City's currently adopted fee schedule.
- (I) *Vehicular sign.*
- (i) *Location.*
 - a. In nonresidential zoning districts, shall not be used primarily as static displays, to advertise products and/or services, storage, shelter, or distribution points for commercial products and/or services for the general public.
 - b. During periods of inactivity, such vehicle with a sign may not be parked in the right-of-way or placed in a manner that the sign is readily visible from adjacent public rights-of-way.
 - c. "For sale" signs placed in or on vehicles when the vehicle is parked or placed in a manner that the sign is readily visible from adjacent public rights-of-way are prohibited with the exception that one vehicle containing a "for sale" sign parked or placed at an occupied single-family, two-family, townhome, or multifamily dwelling unit is allowed.
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- (ii) *Design.* The signs shall be painted upon or applied directly to an integral part of the vehicle.
- (iii) *Maintenance.* The vehicle shall be in operating condition, currently registered and licensed to operate on public streets, and actively used in the daily function of the business to which such sign relates.
- (iv) *Permit required.* No, but shall comply with the above conditions and specifications listed in section 3.06.008.

(J) *Wall sign.*

- (i) *Location.*
 - a. Permitted in conjunction with commercial or industrial uses for which a building permit and/or certificate of occupancy has been issued.
 - b. Shall not be allowed on any facade (other than the main front of the building) that faces property zoned or designated on the future land use plan, for single-family uses, if the sign is within 150 feet of the property line of said residential property.
 - c. For a single-tenant building, only two facades of the building may contain wall signs. For a multi-tenant building, each tenant shall be limited to a wall sign on no more than two façades, with no wall sign permitted on any façade that does not front on an entrance, public thoroughfare or interior roadway within a development.



- (ii) *Maximum effective sign area.*
 - a. The total of all effective sign area on each facade, shall not exceed 40 percent of any facade. In no instance shall a wall sign exceed the maximum height limitations noted in subsection (iii) below.
 - b. Any background area shall be included as part of the sign and shall be included in the calculation of the effective sign area.
 - c. Tenant within a strip center: Shall be measured by the size of the facade of the tenant space.
 - d. Signage for a multi-tenant building with a single entry: 500 square feet.
- (iii) *Maximum height.* Height of a wall sign shall not project above the roofline of a structure.

(iv) *Maximum number of signs.* Unlimited, however, the individual sign heights may not exceed what is allowed in subsection (ii) above and the total combined area cannot exceed what is allowed in subsection (ii) above.

(vi) *Design.*

- a. When projections on the wall face prevent the placement of the sign flat against the wall face, the space between the back of the sign and the wall shall be closed at the top, bottom, and ends with incombustible materials.
- b. In no case shall an attached sign project above the roofline or parapet wall of any building. Signs shall be no closer vertically to the eave of the roofline or overhang than the predominant height of the text or graphic elements.
- c. Per the administrative official, signs shall not overwhelm the section of the building facade on which it is placed.

(vii) *Permit required.* Yes.

(viii) *Fees.* Per the City's currently adopted fee schedule.

(K) *Window sign.*

(i) *Location.*

- a. Permitted in conjunction with nonresidential uses for which a building permit and/or certificate of occupancy has been issued.
- b. Shall be affixed to any surface of a window (interior or exterior) or within three feet of the interior window glazing.



(ii) *Maximum total sign area.* Twenty-five percent of the total window area per facade/elevation per tenant.

(iii) *Lighting.*

- a. Illuminated window signs shall not be allowed within three feet of the interior window glazing with the exception of open/closed signs.
- b. All lighting shall comply with the currently adopted National Electrical Code. Any electrical work that requires an addition or extension of circuits shall require a separate permit.

(iv) *Exceptions.* Addresses, open/closed signs, hours of operation, and window signs required by the City are exempt from meeting the maximum sign area criteria as required in this section of this article.

(v) *Permit required.* No, but shall comply with the above conditions and specifications listed in section 3.06.008.

(2) *Freestanding signage.*

(A) *Development sign.*

(i) *Location.*

- a. Shall be located a minimum of 15 feet from any property line; however, a one foot minimum setback from the front property line shall be allowed within the area designated as the Downtown in the City's Downtown Master Plan.
- b. Shall not face a residential neighborhood, unless separated by a major thoroughfare.



(ii) *Maximum effective sign area.* Thirty-two square feet.

(iii) *Maximum height.* Eight feet.

(iv) *Maximum number of signs.*

- a. One per property per street frontage.
- b. A platted single-family or two-family subdivision shall be considered a single property for the purpose of this section.

(v) *Minimum spacing between signs.* Two hundred feet.

(vi) *Design.*

- a. May be constructed of wood, metal, plastic, or equivalent durable material.
- b. Shall have attached, written, or painted in a weatherproof manner the date of placement and the permit number of the sign, in letters not less than one inch in height, in a conspicuous place thereon.

(vii) *Permitting stipulation.* Single-family, two-family, or future land use plan designation: Shall not be located on a lot that contains a structure.

(viii) *Removal.*

- a. Single-family, two-family, or future land use plan designation: The sign shall be removed upon the completion of the building final inspection for 95 percent of the homes within the single-family or two-family subdivision being advertised.

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- b. Agricultural, multifamily, or nonresidential zoning, or future land use plan designation: The sign shall be removed prior to the issuance of the certificate of occupancy for any building on the property or 90 percent of finish out spaces within a shell building on the property.

- (ix) *Permit required.* Yes.

- (x) *Fees.* Per the City's currently adopted fee schedule.

(B) *Downtown sign.*

- (i) *Location.*

- a. Permitted in conjunction with nonresidential uses for which a building permit and/or certificate of occupancy has been issued within the area designated as the Downtown in the City's Downtown Master Plan.
- b. Shall be located a minimum of one foot from any property line.



- (ii) *Maximum effective sign area.* Twenty square feet.

- (iii) *Maximum height.* Six feet.

- (iv) *Design.* The supporting structure shall be constructed of wood-plastic composite, metal, or plastic and painted to match the front building facade of the principal building on the same lot.

- (v) *Lighting.*

- a. May only be illuminated utilizing a ground lighting source where the light itself and supporting structure are not visible from any public right-of-way.
- b. Lighting fixtures shall not cast light or glare in any direction other than on the elements of the sign.
- c. All lighting shall comply with the currently adopted National Electrical Code. Any electrical work that requires an addition or extension of circuits shall require a separate permit.

- (vi) *Maximum number of signs.* One per street frontage per lot.

- (vii) *Minimum spacing between signs.* Seventy-five feet.

- (viii) *Permitting stipulation.* Shall not be permitted on the same lot as a monument or unified development sign.

- (ix) *Permit required.* Yes.

(x) *Fees.* Per the City's currently adopted fee schedule.

(C) *Flags.*

(i) *Location.*

- a. Permitted in conjunction with any use for which a building permit and/or certificate of occupancy has been issued.
- b. Shall be located only on private real property with the consent of the property owner.
- c. No flag shall be placed in or encroach over or onto any public right-of-way or median and shall not be attached to fences or trees.
- d. Residential: Shall be placed in ground in the front or rear yard of the lot or attached to the primary structure.



(ii) *Maximum total area.*

- a. Residential: Forty square feet.
- b. Nonresidential: Sixty square feet.

(iii) *Maximum height.*

- a. Residential: Thirty feet.
- b. Nonresidential: Forty feet.

(iv) *Maximum number of flags.*

- a. Residential: Three.
- b. Nonresidential: Three.

(v) *Lighting.* All lighting shall comply with the currently adopted National Electrical Code. Any electrical work that requires an addition or extension of circuits shall require a separate permit.

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- (vi) *Support.* Flagpoles over 20 feet in height require a professional contractor to install.
 - (vii) *Permit required.* No, but shall comply with the above conditions and specifications listed in section 3.06.008.

(D) *Human sign.*

(i) *Location.*

- a. Shall be located on private property.
- b. Shall not be located within a distance of 300 feet from an intersection of two public streets or thoroughfares for the purpose of traffic and pedestrian safety.
- c. May not hold or carry any prohibited signs.



- (ii) *Maximum effective sign area.* Six square feet.
- (iii) *Exceptions.* Signs may not be placed or propped on the ground or against any structure or the sign will be considered prohibited.
- (iv) *Timeframe.* Between the hours of 7:00 am and 8:00 pm.
- (v) *Permit required.* No, but shall comply with the above conditions and specifications listed in section 3.06.008.

(E) *Incidental sign.*

(i) *Location.*

- a. Permitted in conjunction with nonresidential uses for which a building permit and/or certificate of occupancy has been issued.
- b. Minimum 20-foot setback from front property line.
- c. Side and rear setback shall be equal to the height of the sign.
- d. Shall be attached to the ground.



- (ii) *Maximum effective sign area.* Five square feet.
 - (iii) *Minimum base size.* Twelve inches.
 - (vi) *Maximum height.* Thirty inches.
 - (v) *Maximum number of signs.* Two per acre per lot, additional may be approved through a sign coordination plan as referenced in section 3.06.013.
 - (vi) *Minimum spacing between signs.* Fifty feet.
 - (vii) *Design.*
 - a. The design, materials, and finish of the base shall match those of the front building facade of the primary structure on the same lot.
 - b. If part of an SPSP, the base shall be consistent with the building elements and materials of the unified development signs and monument signs on the same lot.
 - (viii) *Lighting.*
 - a. All lighting shall comply with the currently adopted National Electrical Code.
 - b. Any electrical work that requires an addition or extension of circuits shall require a separate permit.
 - c. Illuminated signs shall not operate at brightness levels of more than 0.3 footcandles above ambient light conditions at the property line, or at a distance equal to the square root of the area of the sign × 100 (see formula below); whichever is closer to the sign, as measured using a footcandle meter. Illumination levels shall be measured at an approximate height of three feet above grade.
$$\sqrt{(\text{Area of Sign in Sq. Ft.} \times 100)}$$
 - d. No sign or associated luminaire shall create light spillover of more than 0.1 footcandles at any property line within or bounding a residential use or residential district.
 - (ix) *Permit required.* No, but shall comply with the above conditions and specifications listed in section 3.06.008.
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- (x) *Fees.* Yes, per currently adopted fee schedule.
 - (F) *Inflatable sign.*
 - (i) *Location.*
 - a. Permitted in conjunction with nonresidential uses for which a certificate of occupancy has been issued.
 - b. Shall not be located within required parking spaces, driveways that provide access to parking spaces, or fire lanes, nor shall the sign or its securing devices encroach into the right-of-way.
 - c. Shall be secured directly to, and not suspended from the ground.
 - d. Shall not be placed on a roof or suspended from a building.



- (ii) *Maximum effective sign area.* Forty-eight square feet.
 - (iii) *Maximum height.* Thirty feet.
 - (iv) *Maximum number of signs.*
 - a. One per lot for the life of the business.
 - b. If located within a UDZ, a maximum of one is allowed within a UDZ at any given time.
 - (v) *Minimum spacing between signs.* Two hundred feet.
 - (vi) *Permitting stipulation.* May only be utilized within eight weeks of a business obtaining a certificate of occupancy.
 - (vii) *Timeframe.* Permit is valid for two weeks.
 - (viii) *Removal.* Shall be removed on the day of the expiration of the permit.
 - (ix) *Permit required.* Yes.
 - (x) *Fees.* Per the City's currently adopted fee schedule.
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(G) *Monument sign.*

(i) *Location.*

- a. Single tenant monument sign: Permitted in conjunction with nonresidential uses or on a lot containing a multifamily use for which a building permit and/or certificate of occupancy has been issued.
- b. Multi-tenant monument sign: Permitted in conjunction with multiple nonresidential uses established on one lot for which a building permit and/or certificate of occupancy has been issued.
- c. Single tenant/multitenant monument sign:
 1. Allowed on the same lot as a unified development sign, but the total number of unified development signs and single tenant/multitenant monument signs shall not exceed the total number of lots located within the UDZ unless additional single tenant/multitenant monuments or unified development signs are allowed in accordance with subsection (v) below and subsection (2)(N)(v) below.
 2. Shall be located a minimum of 15 feet from any property line; however, a one foot minimum setback shall be allowed within:
 - (a) The area designated as the "Old City District" in the City's future land use plan.
- d. Model home monument sign:
 1. Permitted in conjunction with a model home or sales trailer on a residentially zoned property for which a building permit and/or building final has been issued.
 2. Minimum ten foot setback from front, side and rear property lines. The front setback may be reduced to three feet for townhome lots, but the sign shall not block visibility on a corner lot.



(ii) *Maximum total sign area.*

- a. Single tenant monument sign: Sixty-four square feet.
- b. Multitenant monument sign: Eighty square feet.
- c. Model home monument signs: Twenty-four square feet.

(iii) *Minimum base size.* Twelve inches.

(iv) *Maximum height.*

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- a. Single tenant monument sign: Eight feet.
 - b. Multitenant monument sign: Ten feet.
 - c. Model home monument sign: Four feet.
- (v) *Maximum number of signs.*
- a. Single tenant/multitenant monument sign: One per street frontage per lot.
 - b. Model home monument sign: One per lot that a model home or sales trailer is constructed upon. A maximum of two lots per builder in a platted single-family or two-family subdivision are allowed to have a model home monument sign installed.
- (vi) *Minimum spacing between signs.* Where more than one sign is allowed on a lot, the minimum spacing required is 150 feet. The distance required between any two monument signs on adjacent properties is 75 feet.
- (vii) *Design.*
- a. Shall be constructed of the same primary masonry materials as the front building facade of the principal building on the same lot and shall be of similar architectural style. Except for model home monument signs, all monument signs shall contain a minimum one foot masonry with mortar border around all sides.
 - b. Monument signs shall be consistent with the building elements and materials of the unified development signs and incidental signs within a UDZ. Architectural embellishments may be considered through the review of the sign coordination plan, as defined in section 3.06.013.
 - c. Blank panels shall be installed on monument signs where tenant panels are absent.
- (viii) *Lighting.*
- a. Single tenant/multitenant monument sign:
 - 1. May only be illuminated utilizing internal lighting, with the exception of sculpted aluminum panels.
 - 2. For sculpted aluminum panels, a ground lighting source where the light itself and supporting structure are not visible from any public right-of-way may be used.
 - 3. A light detection device and/or photocell sensor shall be installed as part of the sign to ensure the sign's brightness is automatically dimmed according to ambient light conditions.
 - 4. No sign adjacent to a thoroughfare shall create a light nuisance or an impairment of vision creating a hazard for vehicular or pedestrian traffic.
 - b. Model home monument sign: May only be illuminated utilizing a ground lighting source where the light itself and supporting structure are not visible from any public right-of-way.
 - c. Lighting fixtures shall not cast light or glare in any direction other than on the elements of the sign.
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- d. All lighting shall comply with the currently adopted National Electrical Code. Any electrical work that requires an addition or extension of circuits shall require a separate permit.
 - e. Illuminated signs shall not operate at brightness levels of more than 0.3 footcandles above ambient light conditions at the property line, or at a distance equal to the square root of the area of the sign × 100 (see formula below); whichever is closer to the sign, as measured using a footcandle meter. Illumination levels shall be measured at an approximate height of three feet above grade.

$$\sqrt{(\text{Area of Sign in Sq. Ft.} \times 100)}$$
 - f. No sign or associated luminaire shall create light spillover of more than 0.1 footcandles at any property line within or bounding a residential use or residential district.
- (ix) *Changeable electronic message/reader board component.* Only allowed on single tenant monument signs located on lots adjacent to a major thoroughfare.
 - a. Maximum 50 percent of the effective sign area.
 - b. Shall be permitted only on properties abutting State Highway 174.
 - c. Frame duration shall not be less than ten seconds and shall occur simultaneously on the entire electronic sign face.
 - d. Message transition shall not be greater than one second.
 - e. Frame effects such as flashing shall be prohibited.
 - f. May not be used to display commercial messages relating to products or services that are not offered on-premises.
 - (x) *Permitting stipulation.* Engineer sealed plans for the foundation of the structure is required with permit submittal for a monument sign. Engineer sealed plans for the entire structure is required with permit submittal for a monument sign in excess of eight feet in height.
 - (xi) *Removal.* Model home monument sign: Shall be removed prior to final inspection of home when model is transitioned to a single-family dwelling or upon removal of sales trailer from same lot.
 - (xii) *Permit required.* Yes. A sign reface requires a separate permit.
 - (xiii) *Fees.* Per the City's currently adopted fee schedule.
- (H) *Pole sign.*
 - (i) *Location.*
 - a. Permitted in conjunction with a lot containing a commercial or industrial use or building for which a certificate of occupancy has been issued.
 - b. Setback: No portion of the sign shall be less than 10 feet from any property line.
 - (ii) *Maximum effective sign area.* 200 square feet for a commercial building; 300 square feet for an industrial building.
 - (iii) *Maximum height.* 50 feet adjacent to Highway 174, 30 feet from all other locations and a minimum of 10 feet of clearance between from ground to sign.
 - (iv) *Maximum number of signs.* One per lot.
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(v) *Permit required.* Yes. Per the City's currently adopted fee schedule.

(l) *Political sign.*

(i) *Location and standards.*

- a. State law provides certain restrictions on political signage at polling places as well as on private real property. The City hereby incorporates applicable provisions of such state law into this sign article. V.C.T.A. Local Government Code, § 216.903, as amended, authorizes, among others, the placement of signs that contain primarily a political message on private real property with the consent of the property owner; subject to the following:
 1. Shall not have an area greater than 36 square feet;
 2. Shall not be more than eight feet in height;
 3. Shall not be illuminated; or
 4. Shall not have any moving elements.
- b. Signs are not permitted on City property or within any right-of-way, except as required by V.T.C.A. Election Code, §§ 61.003 or 85.036, both as amended.
- c. Polling place: The City recognizes that on occasion, City buildings may be utilized as polling places. V.T.C.A. Election Code, §§ 61.003 and 85.036, both as amended, authorize, among others, the City to enact reasonable regulations concerning the time, place, and manner of electioneering, which includes the posting, use or distribution of political signs on election days and during the early voting period. No political signs at polling places shall:
 1. Be located, affixed, or placed on any utility pole or structure, light structure, traffic signal, or sign pole;
 2. Be located in or on any public right-of-way;
 3. Be placed in a location so as to impede pedestrian or vehicular access; or
 4. Otherwise create a traffic or safety hazard.
- d. A political sign at a polling place shall not exceed four feet in height or have a total sign area in excess of six square feet, and shall not be illuminated or have any moving elements.



- (ii) *Timeframe.* Polling place: Sign shall be allowed to be placed any time during the first day of early voting or election day, whichever is applicable. The sign may remain during the entire period of early voting. Should the polling location also be the site of the election day

voting, the sign may remain on the site between the dates of early voting and election day voting.

(iii) *Removal.*

- a. Shall be removed within ten days after the election day.
- b. Polling place: Shall be removed within 24 hours of the closing of the early voting or election day polling location as provided above.

(iv) *Permit required.* No, but shall comply with the above conditions.

(J) *Residential sign.*

(i) *Location.*

- a. Permitted in conjunction with a lot containing a single-family, two-family, dwelling or multifamily dwelling for which a building final or certificate of occupancy has been issued. Also permitted on a residential zoned lot owned by a home or property owners association.
- b. Shall be located only on private real property with the consent of the property owner.
- c. Shall not be placed closer than ten feet from the edge of the street pavement.



(ii) *Maximum effective sign area.* Six square feet.

(iii) *Maximum height.* Four feet.

(iv) *Maximum number of signs.* Two per lot.

(v) *Permit required.* No, but shall comply with the above conditions and specifications listed in section 3.06.008.

(K) *Restaurant use drive-through sign.*

(i) *Location.*

- a. Permitted in conjunction with nonresidential uses for which a building permit and/or certificate of occupancy has been issued that includes a drive-through or drive-in.
 - b. Drive-through menu boards and drive-through pre-order sign: Shall be located at the side or rear of the principal building on the lot.
 - c. Drive-through menu board: Twenty-five foot setback from front property line.
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- (ii) *Maximum effective sign area.*
 - a. Drive-through menu board: Forty-eight square feet.
 - b. Drive-through pre-order sign: Eighteen square feet.
 - c. Drive-in menu board: Nine square feet.
 - (iii) *Minimum base size.* Shall be supported from the grade to the bottom of the sign having or appearing to have a solid base on a minimum of 80 percent of the overall sign width, not to be less than 12 inches in height.
 - (iv) *Maximum height.* Six feet.
 - (v) *Maximum number of signs.*
 - a. Drive-through menu board: One per drive-through lane.
 - b. Drive-through pre-order sign: One at the entrance of a drive-through lane.
 - c. Drive-in menu board: One per ordering station.
 - (vi) *Minimum spacing between signs.* Drive-through pre-order sign shall be setback 20 feet from a drive-through menu board in the same drive-through lane.
 - (vii) *Design.*
 - a. The design, materials, and finish shall match those of the front building facade on the same lot.
 - b. If the drive-in stalls are covered by a canopy, the signs may be attached directly to the canopy support columns.
 - (viii) *Lighting.*
 - a. Internal lighting may be utilized.
 - b. All lighting shall comply with the currently adopted National Electrical Code. Any electrical work that requires an addition or extension of circuits shall require a separate permit.
 - c. Illuminated signs shall not operate at brightness levels of more than 0.3 footcandles above ambient light conditions at the property line, or at a distance equal to the square root of the area of the sign \times 100 (see formula below); whichever is closer to the sign, as measured using a footcandle meter.
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Illumination levels shall be measured at an approximate height of three feet above grade.

$$\sqrt{(\text{Area of Sign in Sq. Ft.} \times 100)}$$

- d. No sign or associated luminaire shall create light spillover of more than 0.1 footcandles at any property line within or bounding a residential use or residential district.
- (ix) *Permit required.* Yes. A sign reface requires a separate permit.
- (x) *Fees.* Per the City's currently adopted fee schedule.
- (L) *Sandwich board (A-frame) sign.*
 - (i) *Location.*
 - a. Permitted in conjunction with nonresidential uses for which a building permit and/or certificate of occupancy has been issued.
 - b. Shall be located a minimum of three feet from the curb or any adjacent street, drive, or parking lot.
 - c. Shall be located within ten feet of the business entrance.
 - d. Shall not be placed in public right-of-way.



- (ii) *Maximum total sign area.* Twelve square feet per side.
 - (iii) *Maximum height.* Four feet.
 - (iv) *Minimum clearance.* If placed on or adjacent to a sidewalk or walkway (that is not in a public right-of-way), an unobstructed pedestrian clearance of at least four feet in width shall be provided adjacent to the sign.
 - (v) *Maximum number of signs.* One per business or tenant.
 - (vi) *Minimum spacing between signs.* Twenty feet.
 - (vii) *Timeframe.* May be placed on properties during business hours only.
 - (viii) *Removal.* Shall be taken inside place of business at completion of business hours each day.
 - (ix) *Permit required.* Yes.
 - (x) *Fees.* Per the City's currently adopted fee schedule.
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(M) *Scoreboard.*

- (i) *Location.* Shall be constructed within the limits of and face into the athletic field or stadium.



- (ii) *Lighting.* All lighting shall comply with the currently adopted National Electrical Code. Any electrical work that requires an addition or extension of circuits shall require a separate permit.
- (iii) *Changeable electronic message/reader board component.* Allowed.
- (iv) *Permit required.* Yes.
- (v) *Fees.* Per the City's currently adopted fee schedule.

(N) *Subdivision entry sign.*

- (i) *Location.*
- a. Shall be located within the platted limits of a residential subdivision.
 - b. Alternative types of subdivision entry signs, including, but not limited to, neighborhood entry signs within an overall subdivision, shall be approved as part of a sign coordination plan as outlined in section 3.06.013.



- (ii) *Maximum effective sign area.* Sixty square feet.
- (iii) *Minimum base size.* Minimum 12 inches.
- (iv) *Maximum height.* Eight feet.
- (v) *Maximum number of signs.* One monument sign or two signs attached to screening walls (not a combination of both) per street entrance.
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- (vi) *Design.* May be in the form of a sign mounted to a screening wall, so long as the sign does not project above the top of the screening wall.
 - (vii) *Lighting.*
 - a. Ground lighting where the light itself and supporting structure are not visible from public right-of-way.
 - b. All lighting shall comply with the currently adopted National Electrical Code. Any electrical work that requires an addition or extension of circuits shall require a separate permit.
 - (viii) *Permit required.* Yes.
 - (ix) *Fees.* Per the City's currently adopted fee schedule.
 - (O) *Unified development sign.*
 - (i) *Location.*
 - a. Permitted in conjunction with nonresidential uses for which a building permit and/or certificate of occupancy has been issued within an established unified development zone (UDZ), as referenced in Section 1.14.
 - b. A unified development sign is allowed on the same lot as a single tenant/multitenant monument sign, but the total number of unified development signs and single tenant/multitenant monument signs shall not exceed the total number of lots located within the UDZ, unless additional unified development signs and single tenant/multitenant monument signs are allowed in accordance with subsection (2)(G)(v) and subsection (2)(N)(v).
 - c. Fifteen foot setback from front property line.



- (ii) *Maximum total sign area.*
 - a. UDZ of ten acres or less: Eighty square feet.
 - b. UDZ of over ten acres: May be increased by ten square feet for each acre over ten acres, not to exceed a maximum 120 square feet.

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- (iii) *Minimum base size.* Twenty-four inches.
 - (iv) *Maximum height.*
 - a. UDZ of ten acres or less: Ten feet.
 - b. UDZ of over ten acres: Twelve feet.
 - (v) *Maximum number of signs.*
 - a. One per street frontage of the UDZ.
 - b. One additional is permitted for each additional 750 linear feet, or portion thereof, of street frontage.
 - (vi) *Minimum spacing between signs.*
 - a. Seventy-five feet from any single tenant/multitenant monument sign and/or another unified development sign within an adjacent UDZ.
 - b. Seven hundred fifty feet, per street frontage, from an additional unified development sign within the same UDZ.
 - (vii) *Design.*
 - a. Shall be constructed of the same primary masonry materials as the front building facade of the principal or main building in the UDZ and shall be of similar architectural style.
 - b. Shall contain a minimum one-foot masonry with mortar border around all sides.
 - c. No more than 55 percent of the area may be used for the cabinet or text area displaying the tenants of the development.
 - d. The name of the development shall not exceed 20 percent of the overall area.
 - e. Blank panels shall be installed on UDSs where tenant panels are absent.
 - (viii) *Lighting.*
 - a. May only be illuminated utilizing internal lighting, with the exception of sculpted aluminum panels.
 - b. For sculpted aluminum panels, a ground lighting source where the light itself and supporting structure are not visible from any public right-of-way may be used.
 - c. A light detection device and/or photocell sensor shall be installed as part of the sign to ensure the sign's brightness is dimmed when ambient light conditions darken.
 - d. No sign adjacent to a thoroughfare shall create a light nuisance or an impairment of vision creating a hazard for vehicular or pedestrian traffic.
 - e. All lighting shall comply with the currently adopted National Electrical Code. Any electrical work that requires an addition or extension of circuits shall require a separate permit.
 - f. Illuminated signs shall not operate at brightness levels of more than 0.3 footcandles above ambient light conditions at the property line, or at a distance equal to the square root of the area of the sign $\times 100$ (see formula below);
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whichever is closer to the sign, as measured using a footcandle meter. Illumination levels shall be measured at an approximate height of three feet above grade.

$$\sqrt{(\text{Area of Sign in Sq. Ft.} \times 100)}$$

- g. No sign or associated luminaire shall create light spillover of more than 0.1 footcandles at any property line within or bounding a residential use or residential district.
- (ix) *Permitting stipulation.* A sign permit shall not be issued to construct or place a unified development sign on a property until:
 - a. A sign coordination plan is approved as provided in section 3.06.013;
 - b. A unified development zone (UDZ) is approved by the City Manager as provided in section 3.06.014; and
 - c. The proposed unified development sign meets all of the applicable requirements as set forth in subsection (2)(N).
- (x) *Permit required.* Yes. A sign reface requires a separate permit.
- (xi) *Fees.* Per the City's currently adopted fee schedule.

Sec. 3.06.013. Sign coordination plan.

- (a) *General.* A sign coordination plan is required to be prepared for unified development zones, unified development signs, subdivision monuments, special purpose sign districts, and/or waiver requests.
- (b) *Purpose.* A sign coordination plan is required prior to the permitting of signs to determine overall sign locations on a property, the relationship of the sign surrounding existing, proposed, and future improvements, and to determine consistency and uniformity among buildings and signs within a UDZ or residential development.
- (c) *Application.* A sign coordination plan shall contain the following information:
 - (1) *Elevations.*
 - (A) Elevations of freestanding signs illustrating the materials of construction and maximum dimension of the signs, shown as generic sign blocks in lieu of specific signs.
 - (B) If the sign is to be attached to a building, the elevation shall be a composite of the generic sign block and the building to show the maximum dimension proposed.
 - (C) Elevations depicting the generic size of the signs in relation to the size of the buildings within the development.
 - (2) *Site plan.*
 - (A) A plan drawn to preliminary site plan or site plan specifications of the site illustrating the location of existing and proposed signs on the property and, if required by City staff, on adjacent properties.
 - (B) For nonresidential and multifamily developments, the sign coordination plan shall be submitted to the City for review with a preliminary site plan or site plan of the property. For single-family and two-family developments, the sign coordination plan shall be submitted to the City for review with a preliminary plat or final plat of the property.

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- (C) Other information to illustrate the consistency and uniformity of the signs, as required by City staff.
 - (d) *Procedure.*
 - (1) A sign coordination plan required of specific signs shall be submitted to the Development Services Department.
 - (2) The plan shall be reviewed and considered for approval by City staff.
 - (3) Should staff deny a sign coordination plan, the plan may be forwarded to the City Manager for review and consideration upon receipt of a written appeal request. The written appeal request shall be presented to staff in the form of a standard letter, addressed to the City Manager, and including a narrative describing the sign coordination plan and explaining the intent and reasoning as to why the plan should be approved.
 - (4) Staff and the City Manager may approve or deny a sign coordination plan for any reason.
 - (5) The City Manager's decision is final.

Sec. 3.06.014. Unified development zone (UDZ).

- (a) *General.* A unified development zone is required to be prepared for any unified development signs throughout a specified development or area that contains multiple lots.
- (b) *Purpose.* A unified development zone is required prior to the permitting of specified signs to determine overall unified development sign locations on a property, the relationship of the sign surrounding existing, proposed, and future improvements, and to determine consistency and uniformity among buildings and signs within a development. Only those properties and businesses included within the UDZ shall be allowed to be included on the unified development signs placed within said unified development zone.
- (c) *Application.* A unified development zone application shall be submitted on a form provided by the City and contain the information as noted in the development manual.
- (d) *Procedure.*
 - (1) A unified development zone required for unified development signs shall be submitted to the Development Services Department.
 - (2) The plan shall be reviewed and considered for approval or denial by City staff in accordance with the sign code. Any proposed deviations shall require the submittal of an application for a special purpose sign district.

Sec. 3.06.015. Special purpose sign district (SPSD).

- (a) *General.* The SPSPD is an overlay district that exclusively addresses sign regulations. It allows an applicant, subject to approval of the City Council, the option of designating an area where the signs may deviate from the underlying sign regulations, to the extent so expressly provided in the ordinance adopting the particular SPSPD. If not so expressly provided, the underlying sign regulations shall control.
 - (b) *Purpose.*
 - (1) Promote consistency among signs within a development thus creating visual harmony between signs, buildings, and other components of the property;
 - (2) Enhance the compatibility of signs with the architectural and site design features within a development;
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- (3) Encourage signage that is in character with planned and existing uses thus creating a unique sense of place; and
 - (4) Encourage multi-tenant commercial uses to develop a unique set of sign regulations in conjunction with development standards.
- (c) *Application.* Each applicant for the creation or amendment of an SPSD shall submit a completed SPSD application to the Development Services Department, which shall contain all required supporting material as listed in the development manual. The application shall be accompanied by payment of the appropriate fee as established by the City in the adopted fee schedule, on or before a scheduled submission date. Applications shall be complete for acceptance.
- (d) *Procedure.*
- (1) Consideration for the creation or amendment to an SPSD may be initiated only with written consent of the property owners or by the City Council on its own motion when it finds that public benefit will be derived from consideration of such matter.
 - (2) The development services staff shall review the application and create a report for the City Council. Every application shall automatically be forwarded to the City Council for action. No change, however, shall become effective until after the adoption and publication of an ordinance for the proposed SPSD.
 - (3) City Council may vote to approve, approve with amendments and conditions, table, or deny in whole or in part the application for any reason. If a request has been denied with prejudice, the same or similar request may not be resubmitted to the City for six months from the original date of denial.
- (e) *Amendments.*
- (1) Amendments are classified as minor or major.
 - (2) Minor amendments to the approved SPSD may be approved by the Administrative Official when the requested changes are restricted to altering the location of approved signs on the subject property.
 - (3) Requests to amend the approved SPSD for additional or larger signs are classified as major amendments and require approval by the City Council.
 - (4) Major amendment submittals shall be allowed to be requested one time within the six-month period after the initial SPSD ordinance is adopted.
 - (5) Subsequent major amendment submittals shall be allowed one time per year, based on the date the SPSD ordinance is adopted.

Sec. 3.06.016. Sign requirements relief procedure.

- (a) *Petition for waiver.* A petition for a waiver to a particular standard or requirement of this article is to determine whether such particular standard or requirement should be applied to an application or modified. A waiver is a change to the standards, not otherwise permitted by this article.
- (b) *Application.*
- (1) A request for a waiver to a particular standard or requirement of this article shall be submitted on a form provided by the City and accompanied by the prescribed fee set forth in the City's adopted fee schedule.
 - (2) The petition shall state the grounds for waiver.
 - (3) The applicant bears the burden of proof to demonstrate in the application the following:
 - (A) The requirement for which the waiver is requested imposes an undue hardship on the applicant;

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- (B) The proposed sign shall be of a unique design or configuration;
 - (C) The waiver is needed due to a hardship caused by restricted area, shape, topography, or physical features that are unique to the property or structure on which the proposed sign would be placed, and such hardship is not self-imposed;
 - (D) The waiver will substantially improve the convenience and welfare of the public and does not violate the intent of this article; and
 - (E) The requirement or standard will not adversely impact an adjacent property owner.
- (4) Incomplete applications shall not be accepted.
 - (5) An application for a waiver shall not be accepted for a sign that is prohibited by section 3.06.010 of this article.
- (c) *Procedure.*
- (1) The development services staff shall review the application and create a report for the City Council. Every application shall automatically be forwarded to the City Council for consideration as a public hearing item.
 - (2) Prior to the tenth day before the City Council public hearing, written notice of the proposed waiver shall be sent to each owner, as indicated by the most recently approved municipal tax roll, of property within 200 feet of the property in which the waiver is proposed.
 - (3) City Council may vote to approve, approve with amendments and conditions, table, or deny in whole or in part the application for a waiver for any reason.

Sec. 3.06.017. Violations in or on public property.

- (a) Unless permitted by this article, any sign of any nature that is placed, constructed, or maintained on public property in violation of the sign ordinance, shall be subject to the following:
 - (1) The sign may be subject to confiscation by City personnel.
 - (A) Signs confiscated may be retained for a period of five calendar days from the day after confiscation;
 - (2) It shall be prima facie evidence that the property owner of record at the address specified on a confiscated sign is responsible for the offense of placing, constructing, or maintaining such sign, and upon conviction, that person shall be guilty of a misdemeanor; and
 - (3) If such a sign contains no identifying information other than a telephone number, such information shall be prima facie evidence that the property owner of record at the telephone number specified on a confiscated sign is responsible for the offense of placing, constructing, or maintaining such sign, and upon conviction, that person shall be guilty of a misdemeanor.
 - (b) The following evidence relative to the name, address, or telephone number contained in the following records is prima facie evidence of the contents of the record.
 - (1) *Name.* An authenticated photograph of the sign showing the name of the person allegedly responsible, or the sign itself.
 - (2) *Address.* A certified copy of that section of the most recent tax roll or appraisal district record which shows the name and address of the record property owner and an authenticated photograph of the sign or the sign itself.
 - (3) *Telephone number.* An authenticated photograph of the sign or the sign itself showing the telephone number and a copy of the most recent telephone directory showing the listing, or a letter or other
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document from the telephone company showing the listed person and address at that telephone number.

- (c) Any presumption contained in this section is rebuttable and shall have the effects and consequences set forth in V.T.C.A. Penal Code § 2.05.

Sec. 3.06.018. Recovery of impounded signs.

- (a) Impounded signs may be recovered by the owner within five days from impoundment by paying a fee as established by the City in the adopted fee schedule.
- (b) Signs not recovered within five days of impoundment may be disposed of by the City in any manner it shall elect.

Sec. 3.06.019. Neglected and abandoned signs.

- (a) Abandoned signs and neglected signs shall be considered a public nuisance and are prohibited by this article.
- (b) Upon written notification to the permit holder by the Administrative Official, such abandoned signs shall be removed from the premises and neglected signs shall be repaired or removed from the premises by the property owner, agent, or person having beneficial use of the land, building, or structure upon which said sign is located.
- (c) The notification shall state that the offending sign shall be repaired or removed by the owner, agent, or person having beneficial use of the land, building, or structure upon which such sign is located within ten days. The notification shall further state that if the sign is not removed or repaired, a citation may be issued and the City may resort to any civil remedy available to remove or repair the sign, up to and including impoundment.
- (d) If any sign is determined to present an immediate danger to the health, safety, and general welfare of the public, the City shall remove it immediately. Within ten days of the removal of the sign, the City shall notify the owner of the property on which the sign was located of the reason(s) for removal of the sign.
- (e) It shall be unlawful for any person, firm, or corporation receiving such written notice to fail to comply with the direction of the notice. In the event of failure to comply with such notice provided under section 3.06.007(c), the Administrative Official is hereby authorized to cause the removal and impoundment of such sign. Any expenses incident thereto shall be the responsibility of the owner, agent, or person having beneficial use of the land, building, or structure upon which such sign was located.

Sec. 3.06.020. Nonconforming signs.

- (a) A nonconforming sign:
 - (1) Was in existence and lawfully placed prior to the effective date of this article;
 - (2) Was in existence and lawfully located and used in accordance with the provisions of the prior ordinance applicable thereto, or which was considered legally nonconforming thereunder, and has since been in continuous or regular use; or
 - (3) Was in existence, located, and used on the premises at the time it was annexed into the City and has since been in regular and continuous use.
- (b) Any nonconforming sign and its supporting structure, which is destroyed, damaged, dilapidated, or deteriorated, shall not be replaced, repaired, or renovated, in whole or in part, if such replacement, repair, or renovation would require an expenditure of monies in excess of 60 percent of the cost of a new sign,

including its supporting structure, which is substantially the same or similar to the nonconforming sign destroyed, damaged, dilapidated, or deteriorated. Changing an internal panel of a nonconforming sign is permitted in all cases.

- (c) No sign or supporting structure, which is lawfully reproduced, repaired, or renovated as a nonconforming sign, shall be increased in area or height.
- (d) Notwithstanding any other provision of this article, any sign which is a legally existing nonconforming sign hereunder may be relocated on the same lot or tract of property upon which the sign is located in, when acquired by any governmental agency or other entity which has or could have acquired the property through the exercise of its power of eminent domain. Such relocated sign shall be placed, insofar as possible, as to comply with all the provisions of this article.
- (e) A nonconforming sign in the City or its extraterritorial jurisdiction (ETJ) may be relocated, reconstructed, or removed as provided by law including, but not limited to, V.T.C.A. Local Government Code, ch. 216 as it exists or may be amended.
- (f) If a nonconforming sign is required to be relocated, reconstructed, or removed by the City, the Mayor shall appoint a municipal board in accordance with V.T.C.A. Local Government Code, § 216.004, as it exists or may be amended, to be known as the "Municipal Board on Sign Control for Nonconforming Signs." Once appointed, board members shall serve for two year terms unless they are removed by the Mayor, they resign, they fail to qualify to serve, or are otherwise removed.

Sec. 3.06.021. Appeals.

Allegations of errors in orders, decisions, or determinations by the Administrative Official in administration of the sign regulations shall be made in writing by the applicant and heard by the City Council. An application for such appeal may be obtained from the City. The City Council shall hear, if possible, the allegation of errors within 30 days after receipt of a completed application and applicable application fees. The application will require written authorization from the property owner. The City Council's decision is final.