
CITY OF PORT LAVACA CODE OF ORDINANCES
ARTICLE II CHAPTER 36 SIGNS

Sec. 36-1. Definitions.

The following words, terms, and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

A-frame sign. A temporary, freestanding sign, consisting of two (2) message panels attached by a hinge or similar device along their top edge, which is placed on the ground with the base of each panel separated by a sufficient distance to allow the sign to stand upright without other support. For the purposes of this definition, A-frame signs include single message panels that are mounted on a wood or metal base which provides the stability and support necessary for the sign to stand upright without attachment to a structure.

Abandoned sign means a sign that has not been used for advertising for 180 days to identify or advertise a bona fide business, lessor, service, owner, product, or activity; and/or for which no legal owner can be found.

Advertise means promoting, identifying, or calling attention to a business, product, service, or activity, through use of words, symbols, figures, or similar means.

Area means the projected area of the face of the sign and any border, frame, or support attached to the edges. For figuring maximum area, only one side of a double-sided sign will be used.

Banner sign means any temporary sign other than a pennant, which is made from a lightweight material.

Billboard means a sign, which directs attention to a business, product, service, or activity that is not offered, sold, or conducted on the same lot upon which the sign is displayed.

Building code means the nationally recognized standards adopted by the city to regulate building within the city and its extraterritorial jurisdiction.

Building frontage means the length of an exterior building wall or structure of a single premises oriented to the public way or other properties it faces.

Building site means a lot or parcel of land in a single or joint ownership and occupied or to be occupied by a building or buildings, together with such open spaces as are required by the terms of this title and having its frontage on a public street, road, highway, or permanent means of access by way of City-approved public accessway or thoroughfare for vehicular or pedestrian travel.

Canopy sign means any sign that is attached or is part of an awning, canopy or other fabric, plastic or structural protective covering over a door, window or outdoor service area.

Construction sign means a sign placed by a company participating in the construction or financing on the property on which the sign is placed.

Digital Sign means an on-premises sign or billboard on which the message or copy can be electronically changed by remote or automatic means. Such sign shall be considered an on-premises sign if all of the messages displayed on the sign relates to on-premises activities.

Directional sign means an on-premises sign giving directions, instructions, or facility information, such as parking or exit and entrance signs.

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Easement means a strip of land granted by the property owner for use by the general public, utility companies, or private individuals.

Effective area/face means the area of the sign, which contains the advertisement, excluding any framing, trim or supporting structure.

Electrical sign means a sign or sign structure that incorporates electrical wiring, connections, lights or fixtures.

Electronic messaging sign means a sign in which the wording, symbols or figures change automatically no less than once every three seconds. This type of sign may be considered a billboard if 50 percent of the messages relate to off-premises activities.

Erect means to build, construct, assemble, emplace, affix or any other way to bring into being or establish.

Face means the entire advertising area of a sign excluding framing, trim, or supporting structure.

Financing sign means a sign identifying a financial institution participating in development of the property on which it is located.

Flag means a type of wind device that is specifically designed for display by attaching it to the lanyard of a flagpole.

Flagpole means a freestanding pole with an attached lanyard that is permanently affixed to the ground or a building and is designed for and is intended to be for the display of one or more flags.

Freestanding sign means any sign that is self-supporting as a result of being permanently affixed to the ground. This type of sign shall not be attached to any building or other structure.

Glare means an effect created when an illumination source shines with sufficient brightness to cause discomfort, distract attention, or lead to the reduction or loss of visibility or visual function of the public.

Governmental sign means any sign erected, placed or constructed by any federal, state or local governmental agency.

Ground sign means a sign in which the bottom of the face is no more than one foot above the ground.

Height means the vertical distance measured between the tallest part of the sign or its structure which ever is taller and the average ground level beneath the sign.

Monument sign means a freestanding sign that is detached from a building and having a support structure that is a solid-appearing base constructed of a permanent material, such as concrete block or brick, and is not supported by a pole or poles.

Multifaced sign means a sign with three or more faces.

Off-premises sign- means an outdoor sign displaying advertising that pertains to a certain entities or activities not principally located on the premises on which the sign is located.

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On-premises sign means a sign that advertises a business, product, services or activity offered, sold or conducted on the premises on which it is located.

Pennant Sign means any piece or series of similar pieces of lightweight plastic, fabric, or other material, whether or not containing a message of any kind attached to a structure, rope, wire, or string, designed to move in the wind and attract attention to a business, product, service, or activity. Structures that are erected for the sole purpose of erecting pennant signs or that are an integral part of any pennant sign shall not be allowed; all pennant signs shall be suspended from existing on-site structures having received prior approval of the Building Official.

Portable sign means any sign that is not permanently affixed to the ground or to a building, which is designed to permit removal and reuse.

Premises means:

- (1) For any developed property, the area of real property, which encompasses all the buildings, structures, appurtenances and contiguous land devoted to a common use and not separated by a public street, such as a shopping center or mall.
- (2) For undeveloped property, the area of real property designated as a lot on a plat approved in accordance with law and filed with the county clerk's office, or an unplatted tract of land as conveyed by deed of operation of the law and recorded in the county records as a deed.

Projecting sign means a sign that is attached to a building wall or other structure that runs perpendicular to the wall or structure to which it is attached.

Realty sign means a temporary sign used to advertise a real estate development site or to advertise that real estate is for sale, rent or lease.

Right-of-way means the land opened, reserved, or dedicated for a street or roadway, sidewalk, drainage area, railroad or other public purpose.

Roof sign means any sign affixed to the roof of a building

Setback means the horizontal distance from the property line to the closest part of the sign.

Sign means any object, device, display, or part thereof, visible from a public street, which is used to advertise a business, product, service, or activity.

Temporary or portable sign means any sign that is not permanently attached to the ground or to a building, or that is not designed to be permanently attached to the ground or building, including, but not limited to torpedo signs, A-frame signs, inflatable device signs, wind-driven signs, real estate signs, temporary directional signs, promotional posters, banners, and political signs as herein defined.

Wall sign means any sign affixed flat against and parallel to a building wall.

Wind sign means any flag, banner, pennant, streamer, balloon or similar sign made of cloth, canvas, plastic or other flexible material, with or without a frame or supporting structure, that moves or is designed or intended to blow in the wind.

Window/door sign means any lettering be it painted or adhesively affixed to a door or window.

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(Ord. No. G-5-05, § 2, 6-27-2005)

Sec. 36-2. Applicability.

- (a) This section shall apply to all signs located within the corporate city limits ~~and extraterritorial jurisdiction~~, except as provided in subsection (b) of this section.
- (b) Any sign that already exists and is in good repair shall be allowed to remain as long as it remains in good repair. If any existing sign should fall into disrepair to the point of being a danger to the safety of the property owner or the general public, the sign shall be removed or made to come into compliance with the provisions of this chapter. Should a property owner want to replace an existing sign, the new sign shall be in compliance with the provisions of this chapter. Any portable sign shall be removed within 30 days of the effective date of the ordinance from which this chapter is derived. Persons having portable signs may apply for a permit to maintain such sign for a period of no more than 30 days.

(Ord. No. G-5-05, § 1, 6-27-2005)

Sec. 36-3. Requirements generally.

- (a) No sign, sign structure or sign support shall be placed nearer to the property line than 10 feet and shall not be upon or project over any public property, right-of-way, easement or abutting property.
- (b) No sign shall be erected, constructed, or maintained as to obstruct any means of egress, or any opening necessary for required light, ventilation or firefighting or escape from the premises, or as to prevent free passage from of the roof to any other part thereof.
- (c) No sign shall be attached to any exterior stairway, fire escape, firewall or balcony serving as a horizontal exit.
- (d) No sign will obstruct the use of any window above the first story that is a required means of egress to a fire escape.
- (e) All signs shall be constructed and erected as to prevent the accumulation of rainwater in the sign.
- (f) The ground under and adjacent shall be kept free of weeds, high grasses, and trash.
- (g) Should more than one sign-related definition apply to a proposed sign the owner may choose the definition that is to apply; however, all of the regulations for that type of sign shall be met without exception. If one of the definitions is a prohibited sign it shall remain a prohibited sign.
- (h) All signs constructed, or erected shall comply with the building code that is in effect at the time of the application for a permit.
- (i) All sign plans shall have affixed to it a professional engineer's seal, however, an exception exists for flags, banners and pennants, which do not require a professional engineer's seal.

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- (j) All signs shall match the color scheme of the business, which they are advertising. For example, if the building is brick then the sign shall be constructed of the same type of brick, or if the building is constructed of other materials and painted the sign shall match the buildings paint color.
 - (k) All signs shall identify individual business, residential, and public use without creating confusion, unsightliness, or visual obscurity.
- (Ord. No. G-5-05, § 3, 6-27-2005)

Sec. 36-4. Prohibited signs.

The following signs shall be prohibited:

- (1) Signs with flashing, blinking or traveling lights which are located within 100 feet of any street right-of-way or 1,000 feet of any intersection, except for time, temperature and electronic messaging signs;
- (2) Sidewalk or curb signs;
- (3) Signs upon trees, rocks, bridges, street sign poles, or utility poles, or signs utilizing such objects for all or part of their support;
- (4) Off-premises signs, unless otherwise authorized by this ordinance;
- (5) Portable signs, unless otherwise authorized by this ordinance;
- (6) Billboards;
- (7) Any sign that is painted, or attached to any fence, railing or wall that is not a structural part of a building except for signs that are commonly associated with safeguarding the use of the occupancy, such as "no trespassing" and "beware of dog" signs;
- (7) Projecting signs;
- (8) Roof signs
- (9) Signs made of cardboard; and
- (10) *Abandoned signs*

(Ord. No. G-5-05, § 4, 6-27-2005)

Sec. 36-5. Permits.

- (a) *Required.* All signs shall require a building permit. It is an offense for any person to erect, construct, install, place, relocate, maintain or alter, within the City, any sign for which a Sign Permit is required without first obtaining a Sign Permit and paying the necessary fees.
 - (i) A Sign Permit is not required for repair, repainting, or maintenance that does not entail structural or electrical change.

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- (b) Inspections required. All signs require inspection by the city prior to covering electrical work, if applicable, and at the completion of sign construction.
- (b) *Criteria.* The following will be needed to obtain a permit:
- (1) Two sets of plans approved by a professional engineer registered in the state. The sign must be rated to meet the wind code;
 - (2) Site plan;
 - (3) Completed application for permit; and
 - (4) Proper city and or state licenses.
- (c) *Exception for plans.* Banners, flags and pennants do not require plans.
- (Ord. No. G-5-05, § 5, 6-27-2005)

Sec. 36-6. On-premises signs.

- (a) Freestanding signs shall be subject to the following:
- (1) Only one freestanding sign will be allowed on each lot that front only one public street. For lots fronting more than one public street a freestanding sign will be allowed for each street.
 - (2) The maximum allowable effective area for freestanding signs will be 60 square feet.
 - (3) Multifaced signs shall have a maximum effective area of 180 square feet.
 - (4) The maximum allowable height shall not exceed 30 feet on state highway 35 and 20 feet elsewhere within the city limits
 - (5) Such signs may not rotate.
 - (6) Such signs shall meet the setback requirements of section 36-3(a).
- (b) Wall signs shall be subject to the following:
- (1) Such signs shall not project from the wall more than two feet.
 - (2) The maximum area of such signs shall not exceed 30 percent of the area of the wall on which it is mounted. In multi-tenant buildings on the same lot the wall sign area shall not exceed 30 percent of the tenants wall area on which the sign is to be mounted.
- (c) Canopy signs shall be subject to the following:
- (1) Such signs shall not extend beyond any edge of the canopy.
 - (2) One sign may be hung under the canopy providing that it is no closer to the ground than eight feet. In buildings with multi-tenant buildings each tenant may have one canopy sign.
- (d) *Electronic Signs*

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- (1) Electronic Message Signs with a static message shall not change more than once every 5 seconds and the message in its entirety must change within one second. Electronic Message Signs with scrolling messages shall scroll the entirety of the message within 3 seconds. No portion of the message shall blink or flash.
 - (2) Digital Signs shall display only a static image consisting of a message and background, including all graphics. The static image shall not change more than once every five seconds and the message in its entirety must change within one second. No portion of the message shall blink or flash.
 - (3) Such signs shall be on the same support structure as a freestanding sign. The maximum size shall be no larger than twenty-four (24) square feet.
- (g) Directional signs shall conform to the following:
- (1) Such signs shall have a height no greater than three feet and a width no greater than three feet.
 - (2) Such signs may be placed no closer than five feet to the property line.
- (Ord. No. G-5-05, § 6, 6-27-2005)

Sec. 36-7. Temporary Signs.

- (a) Construction signs shall conform to the following:
- (1) Such signs shall be located on premises no more than 30 days prior to the start of construction and removed no later than 15 days after construction is completed.
 - (2) Signs that have an area of 32 square feet or more must be constructed and tied down to meet the wind code. Signs that have less square footage may sit on the ground and be held in place by sand bags.
 - (3) One (1) construction sign may be used on a lot; corner lots are allowed one sign per street
 - (4) Permit not required
- (b) Realty signs shall conform to the following:
- (1) If on a site being developed it shall be the same as subsection (a)(1) of this section.
 - (2) If located on a property for sale or lease, the sign may remain on the premises until the new owner or renter takes possession of the property.
 - (3) Permit not required
- (c) Political signs shall conform to the following:
- (1) Such signs shall not be placed in public rights-of-way except at polling places.
 - (2) Such signs shall be removed no later than 15 days following the election for which they are posted, except signs at polling places, which shall be removed immediately after the polling place closes.

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- (3) Such signs shall be placed a minimum of 25 feet apart.
 - (4) Signs with an effective area greater than 36 square feet shall not be placed within the city limits any sooner than 60 days prior to the election.
 - (5) Such signs shall not be restricted on private real property except as permitted by V.T.C.A., Local Government Code § 216.903.
 - (6) Permit not required
- (d) A-frame signs shall conform to the following:
- (1) *Placement.* An approved A-frame sign shall conform to the following placement standards;
 - (i) Signs shall not be placed in parking spaces, pedestrian pathways, or bicycle paths, street corners, transit stop areas, ADA accessible curb ramps, ADA accessible parking spaces, at building exits or fire escapes, or any portion of the street (automobile and bicycle travel lanes, shoulder, medians, traffic islands, and parking areas).
 - (ii) The sign shall be located entirely outside of the area of a right-of-way corner that is between the curb and the lines created by extending the property line to the curb face. Signs placed within the right-of-way shall not obstruct traffic control signs or devices. Signs may not impede or hinder the vision of drivers or bicyclists.
 - (2) *Time limit.* An approved A-frame sign shall only be placed within the working business hours of the business for which the sign is identifying.
 - (3) Permit not required
- (e) Banners, flags, pennants and inflatables shall conform to the following:
- (1) Such signs shall be allowed for each calendar year.
 - (i) A new temporary sign permit application can be submitted for permitting after each calendar year.
 - (2) Such signs shall not be torn, tattered, ripped or faded.
 - (3) Such signs hung inside a place of business shall not constitute a sign.
 - (4) Such signs and inflatables shall not encroach any public right of way, shall not create a sight obstruction for vehicular or pedestrian traffic and shall not be attached to any public or franchised utility pole, support wire or tree.
 - (5) One (1) banner sign and 1 inflatable may be used per place of business.
 - (6) One (1) pennant sign may be permitted each twenty-five 25 feet per lot frontage. The distance between pennants shall not be less than twenty-five (25) feet.
 - (7) No more than one advertising flag shall be allowed on each lot on which flag is advertising.

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- (8) Permit required.

Sec. 36-8 Off-premises Signs.

Vehicle signs

- (a) No type of vehicle, including, but not limited to, cars, trucks, motor-driven cycles, or vehicles built of miscellaneous parts of other vehicles, such as sand or dune buggies, and no type of trailer, boat, or other similar type of property shall be placed on private property within the city for the purpose of advertising such item for rent, sale, or lease.
- (b) A motor vehicle not used on a regular basis for the transportation of persons or property, or that is inoperable, shall not be parked or stored with one or more signs displayed thereon or otherwise used as a substitute sign structure.
- (c) Any vehicle containing advertising must be parked in an approved parking space. Any such vehicle is prohibited from otherwise being parked upon any public rights-of-way, including, but not limited to, public sidewalks, streets, alleys, or other public property, with one or more signs displayed thereon or otherwise used as a substitute sign structure.
- (d) No person shall operate or park a vehicle on a street nor shall the owner of a vehicle permit the vehicle to be operated or parked on a street for the primary purpose of advertising.

Sec. 36-9. Penalty

- a. *Criminal.* Any person who shall violate any provision of this article, or fail to comply with any of the requirements of this article, shall be guilty of a misdemeanor. Each such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this article is committed or continued, and upon conviction of any such violation such person shall be punished by a fine of up to five hundred dollars (\$500.00).
- b. *Civil.* The city may file a civil action in the district court seeking an injunction and civil penalties of up to one thousand dollars (\$1,000.00) per day for each and every day or portion thereof during which any violation of any of the provisions of this article is committed or continued.

State Law reference— Enforcement of municipal ordinances, V.T.C.A., Local Government Code Chapter 54.

Sec. 36-10. Existing signs.

All existing or legally permitted signs will be allowed to remain until such a time that they become unsafe, the business closes or has to be replaced for whatever reason. An exception exists for all portable signs, which shall be removed no later than 60 days following the adoption of the ordinance from which this chapter is derived.

(Ord. No. G-5-05, § 8, 6-27-2005)

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Sec. 36-11. Administration.

The administration of this chapter shall be by the building official, or his designee, except that the removal of signs may be by other duly authorized persons.

(Ord. No. G-5-05, § 9, 6-27-2005)