

CITY OF PORT LAVACA  
PART II – CODE OF ORDINANCES

**EXHIBIT A**

**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:

~~*Abandoned sign* means a sign that advertises to direct persons to any business, commercial transaction or activity, goods, products or services that were once, but are no longer, offered, available, or located at the advertised premises.~~

*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. A sign will not be considered abandoned if it is on property that is for sale or lease and the sign is in good condition with a solid-colored face and any obsolete advertising removed.

*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. (See also Off-premises sign)

*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.

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*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 a 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.

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

*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 that is fixed or stationary in which the wording, symbols or figures change automatically designed to convey information or attract attention. 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.

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*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 certain entities or activities not principally located on the premises on which the sign is located. (See also Billboard)*

*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.*

*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.

*Portable marquee sign means any sign not permanently affixed to the ground or building where the message is typically manually changed with individual lettering.*

*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.

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- (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* means ~~a period not to exceed 30 days per year.~~ any sign that is not permanently affixed to the ground or a building and is not to exceed year. the time frames as stated in this ordinance.

*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.

(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

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~~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 ten (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.
- (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 building's 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:

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- (1) Signs with flashing, blinking or traveling lights which are located within one hundred (100) feet of any street right-of-way or one thousand (1,000) feet of any intersection, except for time, temperature and electronic messaging signs;
- (2) ~~Sandwich or A-frame signs, sidewalk or curb signs;~~ Signs placed in the public right-of-way; (i) exception – A-frame 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;
- (4 5) Portable marquee signs;
- (5 6) Billboards;
- (6 7) Any off-premises 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; ~~and~~
- (7 8) Projecting signs-;
- (9) Roof signs;
- (10) Signs made of cardboard; and
- (11) Abandoned signs.

(Ord. No. G-5-05, § 4, 6-27-2005)

**Sec. 36-5. Permits.**

- (a) Required. All signs shall require a sign building permit separate from the 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.
- (b) *Criteria.* The following will be needed to obtain a permit:
  - (1) Two (2) 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~~ Wind signs do not require plans.
- (d) Inspections required. All signs require inspection by the city prior to covering electrical work, if applicable, and at the completion of sign construction.

(Ord. No. G-5-05, § 5, 6-27-2005)

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**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 sixty (60) square feet.
  - (3) Multifaced signs shall have a maximum effective area of one hundred eighty (180) square feet.
  - (4) The maximum allowable height shall not exceed ~~20 feet.~~ thirty (30) feet on state highway 35, and twenty (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 (2) feet.
  - (2) The maximum area of such signs shall not exceed thirty (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 thirty (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 (1) sign may be hung under the canopy providing that it is no closer to the ground than eight (8) feet. In buildings with multi-tenant buildings each tenant may have one (1) canopy sign.
- (d) Electronic Message Signs
  - (1) Electronic message signs shall:
    - a. Contain a static message that may only be monochrome, variable shades, or full color;
    - b. Contain a default design that will freeze the sign in one (1) position with no more illumination that 0.3 footcandles above ambient light if a malfunction occurs;
    - c. Display messages for a period of not less than eight (8) seconds and the change sequence must be accomplished within an interval of two (2) seconds or less;
    - d. Not include animation, video, audio, pyrotechnic, or cluecastin components.
  - (2) Such signs shall be on the same support structure as a freestanding sign. The maximum size shall be no larger than sixty (60) square feet.
- (d e) Directional signs shall conform to the following:
  - (1) Such signs shall have a height no greater than three (3) feet and a width no greater than three (3) feet.



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- (2) Such signs may be placed no closer than one (1) foot 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 thirty (30) days prior to the start of construction and removed no later than fifteen (15) days after construction is completed.
  - (2) Signs that have an area of thirty-two (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 sandbags.
  - (3) One (1) construction sign may be used on a lot; corner lots are allowed one (1) 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 fifteen (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.
  - (3) Such signs shall be placed a minimum of twenty-five (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) Banners, flags, ~~and~~ pennants, and inflatables shall conform to the following:
- (1) Such signs shall be allowed for each calendar year.
  - (1 2) Such signs shall not be torn, tattered, ripped or faded.
  - (2) Such signs are only to be attached to poles or other permanent fixtures owned and maintained by the owner of the premises.
  - (3) A permit will be issued yearly for this type of sign. These permits will expire December 31 of every year.
  - (4 3) Such signs hung inside a place of business shall not constitute a sign and will not require a permit.



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- (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 one (1) inflatable may be used per place of business.

(Ord. No. G-5-05, § 7, 6-27-2005)

- (6) One (1) pennant sign may be permitted each twenty-five (25) feet per lot frontage.  
*Example: a lot front up to forty-nine (49) feet may place one (1) pennant sign; a fifty (50) foot lot front may place two (2) pennant signs, a seventy-five (75) foot lot front may place three (3) signs, etc.*

- (7) Permit required.

(e) A-frame signs shall conform to the following:

- (1) Placement. An approved A-frame sign shall conform to the following placement standards:
  - (i) Establishments with a main customer entrance directly facing a public street or sidewalk may place an a-frame type sign on the public sidewalk in front of the establishment.
  - (ii) The sign shall not obstruct traffic control signs or devices. Signs may not impede or hinder the vision of drivers or bicyclists. Signs may not obstruct pedestrian or ADA traffic.
- (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.

(f) Special promotions and event signs temporarily displayed to advertise special promotions, events, and grand openings shall conform to the following:

- a. Such signs shall be limited to one sign per twenty-five (25) feet of street frontage;
- b. Such sign shall not be erected more than thirty (30) days prior to the event and removed not more than three (3) days after the event;
- c. Subject to approval by the code official as to the size, location and method of erecting.
- d. Permit not required.

**Sec. 36-8. Existing Vehicle 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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- (a) No person shall operate or park a vehicle, including but not limited to, cars, trucks, motor driven cycles, boats, any type of trailer or similar type of property on a street, nor shall the owner of a vehicle permit the vehicle to be operated or parked on a street for the sole purpose of advertising.

**Sec. 36-9. ~~Administration~~ Penalty.**

~~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)~~

- (a) Criminal. Any person who shall violate any provision of this article, or fails 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. Fees.**

Fees under this Chapter are established in Appendix A to this Code.

**Sec. 36-11. Existing signs.**

All existing signs in good repair, excluding abandoned 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.

**Sec. 36-~~9~~12. 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)

END OF EXHIBIT A