

## CHAPTER 156: SIGNS

---

### Section

#### ***General Provisions***

- 156.001 Purpose
- 156.002 General
- 156.003 Definitions

#### ***General Regulations***

- 156.015 Exemptions for certain types of signs
- 156.016 General regulations
- 156.017 Signs allowed without permit
- 156.018 Signs requiring a permit
- 156.019 Prohibited sign types

#### ***Permits and Maintenance***

- 156.030 Sign permits
- 156.031 Sign maintenance and nuisances

#### ***Preexisting Exceptions, Variances, and Construction***

- 156.045 Preexisting non-conforming signs
- 156.046 Variances
- 156.047 Construction

- 156.999 Penalty

### **GENERAL PROVISIONS**

#### **§ 156.001 PURPOSE.**

The purpose of this chapter is to provide uniform sign standards and regulations in order to insure public safety and to promote a positive city image reflecting order, harmony and pride, and thereby strengthening the economic stability of Sweeny business, cultural, historical and residential areas.

(Ord. 102-16, passed - -16)

#### **§ 156.002 GENERAL.**

No person may construct, reconstruct, place, install, repair, maintain, relocate, alter or use a sign after the effective date of this article unless such installation, construction, reconstruction, placement, repairs, maintenance, relocation, alteration or use meets all the provisions of this and all other applicable code provisions adopted by the City of Sweeny, Texas.

(Ord. 102-16, passed - -16)

#### **§ 156.003 DEFINITIONS.**

Words and phrases used in this article shall have the meanings set forth in this section. Words and phrases which are not defined in this article but are defined elsewhere in the Code of Ordinances of the City of Sweeny shall be given the meanings set forth in those code provisions. Other words and phrases shall be given their common, ordinary meaning unless the context clearly required otherwise. Headings and captions are for reference purposes only, and shall not be used in the interpretation of this chapter.

**ABANDONED SIGN.** A sign for which any of the following conditions apply:

- (1) Does not contain a message on the first anniversary of the date the business, person, or activity that the sign or sign structure identifies or advertises ceases to operate on the premises on which the sign or sign structure is located.
- (2) If the premises containing the sign or sign structure is leased, then if the sign does not contain a message on the second anniversary after the date the most recent tenant ceases to operate on the premises.
- (3) The city may agree with the owner of the sign or sign structure to remove only a portion of the sign or sign structure.

## **AREA.**

(1) The entire sign surface within a single contiguous perimeter, excluding support structures. A sign structure with two faces back-to-back, oriented in opposite directions and separated by not more than three feet, with the same copy on both sides, shall be counted as a single sign.

(2) In cases where a sign is composed only of letters, figures, or other characters the dimensions used to compute the area are the smallest simple imaginary figure (circle, triangle, rectangle, or other) which fully contains the sign content.

**BANNER.** Fabric or other suitable material which is attached or suspended at two ends or continuously across the long edge. Attachment or suspension may be from structures and/or poles. A street banner is a banner suspended above a right of way.

**CHANGEABLE COPY SIGN.** A sign or part of a sign on which content can be changed or rearranged without altering the face of surface of the sign, including but not limited to a theater marquee or a gasoline price sign.

**COMMERCIAL COMPLEX.** Any property such as a shopping center, office park or industrial park, which consists of two or more establishments on a single platted lot, or which is designed, developed and managed as a unit.

**COMMERCIAL SERVICE SIGN.** A sign which solicits support for or participation in a non-profit, non-political, community, public or social event or activity.

**DILAPIDATED SIGN.** Any sign where:

- (1) The structural support or frame members are visibly bent, broken, dented, torn or excessively rusted; or
- (2) The sign face is visibly torn, cracked or, in the case of wood or similar products, splinted in such a way as to constitute a potential harmful condition; or
- (3) The sign or its elements are twisted or leaning or at angles other than those at which it was originally erected (such as may result from being blown or the failure of a structural support).

**FLAG.** A fabric sheet, which is attached at one end to a pole, cable or rope.

**FREESTANDING SIGN.** Any sign not attached to or part of any building. Included are monument signs and self supported signs.

**HEIGHT.** The distance from ground level to the top of the sign structure. The ground level is the lower of:

- (1) The existing grade prior to construction of the sign; or
- (2) The newly established grade after construction, unless the curb elevation at the street in front of the sign is higher than the established ground level, in which case the height shall be measured from curb level.

**ILLUMINATED SIGN.** Any sign illuminated in any manner by an artificial light source of any kind, either detached from the sign or a part thereof. Signs that are only incidentally and indirectly illuminated as a result of a lighting plan primarily designed as security lighting or landscape lighting are not illuminated signs.

**MONUMENT SIGN.** A sign which is mounted on a base at least as wide as the sign and is of limited height. The opening between the base and the sign must be no greater than two inches.

**OFF-PREMISES SIGN.** A sign displaying advertising copy that pertains to a business, person, organization, activity, event, place, service, or product not principally located or primarily manufactured or sold on the premises on which the sign is located.

**ON-PREMISES SIGN.** A sign identifying or advertising a business, person, or activity, and installed and maintained on the same premises as the business, person or activity.

**PREMISES.** Means a lot or tract within the city, and contiguous lands in the same ownership, which is not divided by any public highway, street or alley, or right-of-way.

**PROJECTING SIGN.** Any sign the outside edge of which extends from the face of a wall to which it is attached.

**RESIDENTIAL AREA.** Any property within the city limits which is zoned for residential use. Any unzoned property within the city limits or any property within the city's extra-territorial jurisdiction which is vacant, in any form of agricultural use, on which a residence is the principal use, and any portion within 200 feet of any such residence.

**RESPONSIBLE PARTY.** The owner of the property upon which the sign is located, the lessor of the property, and/or the owner of the sign.

**SELF-SUPPORTED SIGN.** See **FREE STANDING SIGN.**

**SIGN.** Any medium for visual communication or its structure used or intended to attract the attention of the public.

**SIGN STRUCTURE.** Any structure which is designed specifically for the purpose of supporting a sign, has supported or is capable of supporting a sign. This definition shall include any decorative covers, braces, wires, supports, or components attached to or placed around the sign structure. Where any goods or services for sale or other advertisement is displayed on the structure, then said structure shall be counted as part of the sign area.

**SINGLE COMMERCIAL BUILDING.** A structure containing a single commercial establishment, office business, school, church, non-profit organization, charity or government agency.

**SWEENEY or CITY.** The City of Sweeny, Brazoria County, Texas, an incorporated municipality.

(Ord. 102-16, passed - -16)

## GENERAL REGULATIONS

### § 156.015 EXEMPTIONS FOR CERTAIN TYPES OF SIGNS.

The following are exempt from regulation under this chapter:

(A) Any sign inside a building, not attached to a window or door and not oriented so as to be read from outside the building.

(B) Commemorative plaques and historical markers mounted on the face of a building or erected on a site as a free-standing monument sign, when placed or approved by a governmental entity, historical society, religious organization or other nonprofit entity to commemorate a person, event or other matter of historical interest.

(C) Any sign installed or required to be installed by any governmental entity or public utility to give information, directions or warnings to the general public, regardless of the sign's location on public or private property.

(D) Temporary signs with the intended use of identifying seasonal, occasional or special community, educational, charitable and civic events, facilities, activities or social events, and of identifying newly opened businesses.

(Ord. 102-16, passed - -16)

### § 156.016 GENERAL REGULATIONS.

Excluding only those signs exempted by the preceding section, no sign or part of a sign shall:

(A) Be placed on or attached to any utility pole or pedestal, except by a utility company owning the pole or pedestal or operating facilities mounted on the pole or pedestal.

(B) Be placed upon real property without the consent of the property owner.

(C) Be located in, on, or over any right-of-way, except for directional or informational signs erected by government agencies. Any such sign shall constitute a nuisance.

(D) Be located so that it blocks vehicle or pedestrian views and/or safe sight distances at any intersection, curve or corner. This includes signs located on private property. Any such sign shall constitute a nuisance.

(E) Be hung with less than 7 1/2 feet of vertical clearance above the sidewalk or less than 15 feet of vertical clearance above the street, drive or parking area (this applies to any part of a sign, including mounting fixtures and supporting structures, which is mounted above or projects over any sidewalk, street, drive or parking area whether on public or private land).

(F) Imitate or resemble an official traffic-control device or railroad sign or signal; attempt to direct the movement of traffic; or hide from view or hinder the effectiveness of an official traffic-control device or railroad sign or signal. Any such sign shall constitute a nuisance.

(G) Be placed closer than six feet to the edge of a road surface.

(H) Be allowed which moves or has moving components, or has bright flashing lights or other distracting features. This does not include signs with slowly changing messages such as time or temperature.

(I) Be located so that it is on or in any way obstructs any sidewalk, walkway or pathway used by the public for normal pedestrian access.

(J) Be painted or installed on any roof surface.

(K) Extend above or beyond the building roof line, facade or eaves when installed on a wall. A facade is a low wall built along one or more sides around the perimeter of a roof.

(L) Be located closer than ten feet any power line. Any such sign shall constitute a nuisance.

(M) Be installed so that it faces contiguous residential property.

(Ord. 102-16, passed - -16)

### § 156.017 SIGNS ALLOWED WITHOUT PERMIT.

Following are exempt from the requirement to obtain a permit, subject to compliance otherwise with the provisions of this code in general and this article in particular:

(A) Signs in locations other than residential areas measuring no more than eight square feet on property in other than residential areas and three square feet in residential areas denoting that the property on which the sign is located is for sale,

lease or rent.

(B) Signs in residential areas measuring no more than three square feet denoting the name of the residents and the address of the premises.

(C) Signs denoting the architect, engineer or contractor, placed on the premises where construction, repair or renovation is in progress. Such signs may not exceed eight square feet in area or four feet in height. All such signs must be removed within three days after the completion of the project.

(D) Auxiliary signs which are not part of another sign and which provide information such as hours of operations, credit cards accepted, restrictions of sale to minors, "no soliciting" or "beware of the dog." The area of such individual signs shall not exceed one square foot, and the aggregate area of all such signs cannot exceed four square feet for any commercial establishment or residence.

(E) Political signs, which by their content support or oppose any candidate for public office or any proposition to be voted upon at an election, or which make a political or ideological statement in the nature of constitutionally protected non-commercial free speech. Such signs:

- (1) Cannot have an effective area greater than 36 square feet;
- (2) Cannot be more than eight feet high;
- (3) Cannot be illuminated; and
- (4) Cannot have any moving elements.

(5) May be placed up to 60 days prior to a primary, runoff or general election and up to seven days after the primary, runoff or general election for which posted.

(F) Daily display signs - nonpermanent signs relating to the business conducted on the premises, placed out of door during business hours for display and returned indoors during off hours. Such signs:

- (1) Cannot be larger than six square feet;
- (2) No more than one such sign per business;
- (3) Must be located on the leased or rented premises of the business advertised; and
- (4) Placement cannot impede pedestrian or vehicular traffic or interfere with parking.

(G) No permit is required to repaint or otherwise repair an existing sign, provided that the area of the sign is not enlarged, the height of the sign is not increased, the location of the sign is not changed, and the content of the sign does not materially change. This provision does not apply to preexisting nonconforming signs.

(H) No permit is required to change the copy on a changeable copy sign.

(I) No permit is required for national, state, church, school flags or any other flag that constitutes protected non-commercial free speech.

(J) *Event signs - off site.* Signs giving directions to an occasional event at another location, other than a business event at an establishment, such as directions to a civic or other noncommercial ceremony, to an event for the members of an organization, or to an event at a residence such as a garage sale or private party may be placed only on private property and only with the consent of the owner of the property. No more than three such signs may be used to give directions to the same event. Such signs may not exceed three square feet each, and may not be placed more than 14 days prior to the event, and must be removed within one day after the conclusion of the event.

(K) *Event signs - on site.* A sign which is placed to advertise or mark the location of an occasional event on the same site other than a business event at an establishment, such as civic or other noncommercial ceremony, an event for the members of an organization, or an event at a residence such as a garage sale or private party. Such signs may not exceed an area of three square feet at a residence or 12 square feet at any other location. Such signs may not be placed more than 14 days prior to the event, and it must be removed within one day after the conclusion of the event. There shall be not more than three on-site event signs for any event.

(L) *Community service signs.* Community service signs may be erected only by a unit of government, school, chamber of commerce, religious organization or other non-profit agency. The area of a community service sign may not exceed six square feet in a residential area or 16 square feet in all other areas.

(M) A community service sign that promotes any particular event may not be erected more than 14 days prior to the event and all such signs must be removed by the responsible party not more than three days after the event.

(N) Community service signs that are street banners must conform to requirements established by the Texas Department of Transportation (TxDOT).

(O) Temporary decorations or displays, when they are clearly incidental to and are customarily and commonly associated with any national, local or religious holiday or celebration, and of a non-advertising nature; provided, that such decorations are maintained in an attractive condition, do not constitute a fire or traffic or pedestrian hazard, and are removed within a reasonable time after the event or celebration has occurred.

(P) Garage sale signs may be placed for no more than two days on the premises of the garage sale.

(Ord. 102-16, passed - -16)

### **§ 156.018 SIGNS REQUIRING A PERMIT.**

The following signs shall require a permit, issued prior to construction:

(A) Signs on property in other than residential areas.

(1) *Single commercial building.* Signs shall be permitted as follows:

- (a) Attached or painted onto each side of a building. No single sign may be larger than 32 square feet.
- (b) One tree standing sign not larger than 24 square feet or taller than ten feet.
- (c) One projecting sign not to exceed 12 square feet.
- (d) The aggregate of all signs may not exceed 80 square feet.

(2) *Commercial complex.* Signs shall be permitted as follows:

(a) One free standing sign not larger than 64 square feet or taller than 12 feet.

1. A commercial complex with a land area of two acres or more may have one freestanding sign along each street which borders the complex for a distance of 200 feet.

2. If the structure of a free standing sign contains or supports more than one sign, then each sign shall be of the same construction, coloring, design, and style.

(b) Signs housed in the complex not to exceed 50% of the front wall space.

(3) *Flags.* No flagpole may be higher than 20 feet or extend beyond the maximum allowable building height limit as established in the city building regulations, whichever is shorter. At any establishment, the entire area of all flags shall be counted toward the aggregate for signs on the premises. Flags may only be illuminated in compliance with this chapter.

(4) *Illuminated signs.*

(a) Neon signs are prohibited except for signs no greater than 4.5 square feet located on or inside of a window of an establishment. No more than two such signs are permitted per business.

(b) No sign shall be lighted to such intensity or in such a manner as to cause glare or brightness to a degree that it constitutes a traffic hazard. Any such sign shall constitute a nuisance.

(c) Signs may not be illuminated by mercury arc or mercury vapor light sources.

(d) Illuminated signs may not be installed facing adjacent or adjoining residential areas.

(5) *Inflatable signs.* Business related inflatable signs with a volume greater than 27 cubic feet are prohibited.

(B) *Business or office signs located on property in residential areas (applicant should consider this section in conjunction with deed restrictions and property owners associations' covenants and bylaws).*

(1) Signs shall be permitted as follows:

- (a) One sign, no larger than 12 square feet, may be attached to or painted onto a building.
- (b) One free standing sign not larger than 3 square feet or taller than four feet.
- (c) The aggregate of both signs may not exceed 12 square feet.

(2) *Flags.* No flagpole may be higher than 20 feet or extend beyond the maximum allowable building height limit as established in the city building regulations, whichever is shorter.

(3) *Internally illuminated signs are prohibited.*

(C) *Banners.*

(1) *Street banners.*

(a) Street banners when they are clearly incidental to and are customarily and commonly associated with any national, local or religious holiday or celebration, and of a non-advertising nature; provided, that such decorations are maintained in an attractive condition, do not constitute a fire or traffic or pedestrian hazard, and are removed within a reasonable time after the event or celebration has occurred.

(b) Street banners must conform to Texas Department of Transportation rules and regulations.

(c) Street banners may be displayed only at approved city locations within the city limits and the city's extraterritorial jurisdiction.

(d) No more than six street banners may be in place at any one time within the city limits and the city's extraterritorial

jurisdiction.

(2) All other banners are permitted as follows:

(a) Banners must be kept in good repair throughout the time of their display.

(b) No establishment may display more than two banners at any one time.

(c) Banners may not exceed eight square feet in a residential area or 24 square feet in all other areas.

(d) Banners may not be displayed for more than 31 days in succession, and they must be removed no more than three days following any event to which they relate.

(e) On-premise banners that announce the location or relocation of newly located or relocated businesses are permitted without payment of a permit fee. The banner may be exhibited during a period of no more than 45 days commencing at the time that the temporary banner permit is issued. Such banners may not exceed eight square feet in a residential area or 18 square feet in all other areas.

(f) Banners for commercial purposes may not face a residential area.

(Ord. 102-16, passed - -16; Am. Ord. 103-18, passed 5-15-18)

### **§ 156.019 PROHIBITED SIGN TYPES.**

(A) Abandoned signs (See definition in § 156.003).

(B) *Beacons*. This includes any light with a beam directed into the atmosphere or directed at a point which is not on the same property as the light source, or a light with one or more beams that move.

(C) *Billboards*. This includes any sign which advertises or calls attention to any business, product, service, or other activity which is not located on the same premises as the sign.

(D) *Portable changeable copy signs*. This includes any sign or part of a sign on which content can be changed without altering the face or surface of the sign, and which sign is not permanently attached to the ground or to a permanent structure, or a sign designed to be transported, whether on attached wheels or otherwise.

(E) *Flashing signs*. Any sign with flashing, blinking, moving or traveling lights or with lights that change in color or intensity or a sign which uses lights to form traveling messages or messages which change more than once per day.

(F) *Moving signs*. Any sign or part of a sign which is animated or moves. This includes ribbons, streamers, spinners and other similar devices, whether such devices are intended to be temporary or permanent in nature.

(G) *Promotional signs*. Any generic sign promoting a product or service by brand name and which is not specific to the establishment displaying the sign.

(Ord. 102-16, passed - -16)

## **PERMITS AND MAINTENANCE**

### **§ 156.030 SIGN PERMITS.**

(A) *Permit and fee required*. Except as otherwise provided in this ordinance, no person may construct, reconstruct, place, install, repair, maintain, relocate any sign without first obtaining a sign permit from the city through its Permit Department. Each application for a sign permit must be accompanied by the appropriate fee established by the city. The fees established herein are as follows:

(1) All illuminated signs on premises (electric) - \$50.

(2) Non-illuminated signs on premises - \$20.

(3) Spinners, pennants and banners - no charge.

(B) *Expiration of permits*. Permits shall expire if substantial progress on the approved action has not been achieved within six months. Substantial progress shall include good faith initiation of construction of the sign or significant expenditures of funds toward sign construction.

(C) *Modifications*. After a sign permit has been issued by the city, it shall be unlawful to deviate from the terms and conditions of the permit without prior approval by the Building Inspector.

(Ord. 102-16, passed - -16)

### **§ 156.031 SIGN MAINTENANCE AND NUISANCES.**

(A) All signs and sign structures must be maintained in a structurally safe condition, and in good repair, and shall not be allowed to become a dilapidated sign, as defined by this chapter. A sign or sign structure shall constitute a nuisance if it injures or threatens to injure the public health, peace or comfort and is a nuisance per se or at common law or is otherwise declared to be a nuisance or dilapidated sign pursuant to this chapter. The city shall notify, by certified mail, the responsible party for any sign that or sign structure constitutes a nuisance determination within ten days of receipt of the notice. If the

responsible party chooses not to take the instructed action or institute an appeal, the city may repair or remove the sign or sign structure, to the extent necessary to abate the nuisance. The city may charge to the responsible party all costs associated with the sign's repair or removal. An appeal of a nuisance determination shall be to the City Council.

(B) *Imminent hazard.* Any sign or sign structure which in the judgment of the Building Inspector has become an imminent hazard to public safety shall be repaired or removed by the responsible party without delay. Notice of the existence of the hazard shall specify the maximum time which may be allowed for repairs or removal, and the notice may be served upon the responsible party by any means available. A sign or sign structure which constitutes an imminent hazard and is not repaired or removed within the time specified in the notice shall be removed by the city and the cost of such removal shall be charged to the responsible party. If a sign or sign structure has been removed by the city as a hazardous sign and the sign remains unclaimed for a period of more than 30 days, the city may destroy, sell, or otherwise dispose of the sign. A sign or sign structure presents an imminent hazard when it constitutes a nuisance and necessitates immediate action to avoid harm to the public health or safety.

(C) *Removal of sign structure.* If there is no sign on a sign structure for a period of 180 consecutive days, the sign structure must be removed by the owner of the premises on which the sign is located.

(Ord. 102-16, passed - -16)

## **PREEXISTING EXCEPTIONS, VARIANCES, AND CONSTRUCTION**

### **§ 156.045 PREEXISTING NON-CONFORMING SIGNS.**

(A) All signs which have been installed, and were lawful at the time of installation, and are in existence as of the effective date of this chapter, which do not conform to this chapter shall be known as "preexisting non-conforming signs." Such preexisting non-conforming signs need not comply with the provisions of this chapter except as follows:

(1) Any changes to a preexisting non-conforming sign, other than routine repair or maintenance, require that said sign be brought into compliance with all applicable city ordinances.

(2) When a preexisting non-conforming sign becomes an abandoned sign, its status as a preexisting non-conforming sign shall terminate.

(B) The lighting of a preexisting non-conforming illuminated sign shall be brought into conformity with this chapter.

(C) *Removal of destroyed signs.* A preexisting non-conforming sign shall be considered destroyed if the cost of repairing the sign, after a part of it has been destroyed or dismantled, is more than 60% of the cost of erecting a new sign of the same type at the same location. A destroyed sign must be removed by the responsible party without compensation by the city and within 30 days of the damage, destruction or dismantling. A preexisting non-conforming sign that has been destroyed may not be replaced or rebuilt except by a sign which is in full conformity with this subchapter.

(Ord. 102-16, passed - -16)

### **§ 156.046 VARIANCES.**

(A) *Application and fee required.* A variance is written approval to depart from the strict application of the provisions of this chapter. Any person, business or other organization desiring to continue to construct, reconstruct, place, install, repair, maintain, relocate, alter or use any sign which does not conform to the provisions of this article may make application to the City Council for a variance to the provisions of this subchapter. The application shall be filed with the City Manager, accompanied by the appropriate fees established by the city, which are set out in the city's fee schedule for each application for variance.

(B) *Standards for variances.* The City Council may approve a variance only if it makes affirmative findings, reflected in the minutes of the City Council's proceedings, as to all of the followings:

- (1) The variance will not authorize a type of sign which is specifically prohibited by this subchapter;
- (2) The variance is not contrary to the goals and objectives outlined by the City of Sweeny's comprehensive plan;
- (3) The variance is not contrary to the public interest; and

(4) Due to special conditions, a literal enforcement of the ordinance would result in unnecessary hardship. Ordinarily, hardship that is self-induced or that is common to other similarly classified properties will not satisfy this requirement. Financial or economic hardship alone will not ordinarily satisfy this requirement.

- (5) The spirit and purpose of the ordinance will be observed, and substantial justice will be done.

(C) *Conditions of variances.* The City Council may impose such conditions or requirements in a variance as are necessary in the City Council's judgment to achieve the fundamental purposes of this article. A violation of such conditions or requirements shall constitute a violation of this subchapter. A variance, if granted, shall be for a specific event, use or other application of a business and shall not continue with the property. If a variance is granted and the activity authorized is not substantially underway within six months of the date of approval of the variance, the variance shall lapse and become of no force or effect.

(Ord. 102-16, passed - -16; Am. Ord. 101-21, passed 3-16-21)

**Cross-reference:**

*Fee schedule, see § 38.01*

**§ 156.047 CONSTRUCTION.**

This subchapter shall not be construed to require or allow any act which is prohibited under the code. This subchapter is specifically subordinate to any other code provisions of the city pertaining to safety or building standards.

(Ord. 102-16, passed - -16)

**§ 156.999 PENALTY.**

Failure to observe and obey the chapter adopted above shall constitute a misdemeanor, and shall be punishable by a fine not to exceed \$500, constituting a separate offense.

(Ord. 102-16, passed - -16)