

VILLAGE OF WEBBERVILLE

ORDINANCE No. 2013-__

SIGN ORDINANCE

AN ORDINANCE OF WEBBERVILLE, TEXAS (“VILLAGE”), ESTABLISHING REGULATIONS FOR SIGNS AND SIGN STRUCTURES IN THE CITY LIMITS AND ETJ; PROVIDING FOR THE FOLLOWING: RULES; STANDARDS; PROCEDURES; CRIMINAL PENALTIES NOT TO EXCEED \$2,000 OR CIVIL PENALTIES OF UP TO \$500 PER VIOLATION; REPEALER; SEVERABILITY; EFFECTIVE DATE; AND PROPER NOTICE & MEETING.

WHEREAS, the Village Commission of the Village of Webberville (“Village Commission”) seeks to promote the community’s historic aesthetic and scenic vistas; and

WHEREAS, the Village Commission strives to promote reasonable and prudent development, including the use of signage to promote area businesses, events and activities, provide the signage is consistent with land use and development principles annunciated in the Comprehensive Plan; and

WHEREAS, the Village Commission finds that signs erected, modified or maintained in violation of the Village’s regulations are a threat to the public health, safety, and welfare, and constitute a public nuisance to be prevented and abated in accordance with Chapter 217 of the Texas Local Government Code; and

WHEREAS, the Village Commission has reviewed recommendations from the American Planning Association, the United States Federal Highway Administration, and Scenic Texas; and

WHEREAS, pursuant to Texas Local Government Code Section 51.001, the Village has general authority to adopt an ordinance or police regulation that is for the good government, peace or order of the Village and is necessary or proper for carrying out a power granted by law to the Village; and

WHEREAS, pursuant to Chapter 216 of the Texas Local Government Code, the Village has the authority to regulate signs both within its municipal incorporated limits and its extraterritorial jurisdiction (“ETJ”); and

WHEREAS, the Village Commission finds that it is necessary and proper for the good government, peace or order of the Village of Webberville to amend the Village’s sign regulations in accordance with this Ordinance.

NOW, THEREFORE, BE IT ORDAINED by the Webberville Commission:

1. FINDINGS OF FACT

The foregoing recitals are incorporated into this Ordinance by reference as findings of fact as if expressly set forth herein.

2. ENACTMENT

The Village of Webberville Sign Ordinance is hereby approved and enacted, and shall read in accordance with *Attachment "A"*, which is attached hereto and incorporated into this Ordinance for all intents and purposes.

3. REPEALER

All ordinances, or parts thereof, that are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters regulated herein.

4. SEVERABILITY

Should any of the clauses, sentences, paragraphs, sections or parts of this Ordinance be deemed invalid, unconstitutional, or unenforceable by a court of law or administrative agency with jurisdiction over the matter, such action shall not be construed to affect any other valid portion of this Ordinance.

5. EFFECTIVE DATE

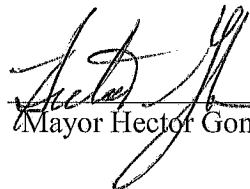
This Ordinance shall be effective immediately upon passage and publication as provided for by law.

6. PROPER NOTICE & MEETING

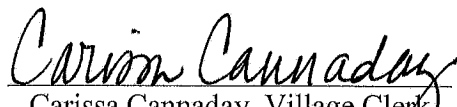
It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public, and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Texas Government Code, Chapter 551. Notice was also provided as required by Chapter 52 of the Texas Local Government Code.

PASSED & APPROVED this, the 11 day of June 2013, by a vote of 2 (ayes) to 0 (nays) to 1 (abstentions) of the Commission of the Village of Webberville, Texas.

VILLAGE OF WEBBERVILLE:

by: 
Mayor Hector Gonzales

ATTEST:


Carissa Cannaday, Village Clerk

SECTION 1. ENACTMENT PROVISIONS

1.1 Popular Name

This Ordinance shall be known as the "Sign Ordinance."

1.2 Purpose

This Ordinance provides standards for the erection, repair, maintenance and removal of signs within the Village of Webberville and its Extraterritorial Jurisdiction ("ETJ"). All signs shall conform to these standards.

The general objectives of these standards are to promote health, safety, welfare, convenience and enjoyment of the public, and to achieve the following:

1.2.1 Safety

To promote the safety of persons and property by providing that signs do not:

- (a) Create a hazard due to collapse, fire, decay or abandonment;
- (b) Obstruct firefighting effort, EMS response, or police surveillance;
- (c) Create traffic hazards by confusing or distracting pedestrians, obstacles or other vehicles or to read traffic signs; or
- (d) Become obstacles that hinder the ability of pedestrians or motorists to read traffic signs.

1.2.2 Communications Efficiency

To promote the efficient transfer of information in sign messages provided that:

- (a) Those signs providing public safety messages are given priority;
- (b) Businesses and services may identify themselves;
- (c) Customers and other persons may locate a business or services;
- (d) No person or group is arbitrarily denied the use of the sight lines from the public rights-of-way for communication purposes;
- (e) Persons exposed to signs are not overwhelmed by the number of messages presented and are able to exercise freedom of choice to observe or ignore such messages, according to the observer's purpose; and

- (f) Preserve the right of free speech exercised through the reasonable and safe use of signs.

1.2.3 Landscape Quality & Preservation

To protect the public welfare and maintain the appearance and economic value of the landscape, by providing that signs:

- (a) Do not interfere with scenic views;
- (b) Do not create a nuisance to persons using the public rights-of-way for transportation;
- (c) Do not create a nuisance to occupants of adjacent or nearby property due to brightness, size, height, or movement;
- (d) Are not detrimental to land or property values;
- (e) Do not contribute to visual blight or clutter; and
- (f) Are architecturally compatible and harmonious with the structure to which they pertain and to neighboring structures.

1.2.4 Balance

The purpose of this Section is to create the legal framework for a comprehensive and balanced system of signs that will preserve the right of free speech and expression, provide an easy and pleasant communication between people and their environment, and avoid the visual clutter that is potentially harmful to traffic and pedestrian safety, property values, business opportunities, and community appearance. With these purposes in mind, it is the intent of this Section to authorize the use of signs that are:

- (a) In context with the natural and built environment;
- (b) Appropriate to the activity that displays them;
- (c) Expressive of the identity of individual activities and the community as a whole;
- (d) Legible in the circumstances in which they are seen;
- (e) Any sign wholly within the confines of a building, and oriented so as to be out of view from outside the building is not regulated by this Ordinance;
- (f) Commemorative plaques and historical markers, flags mounted on the face of a building or erected on a site as a free-standing monument, when placed by a governmental entity, or historical society to commemorate a person, event or other matter of historical;
- (g) Erected or required to be erected 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;

- (h) Bumper stickers and placed on vehicles that are in service; and
- (i) Required by State and Federal law.

1.3 Scope; Applicability

This Ordinance applies to all property within the incorporated municipal boundaries (i.e., “city limits”) and the Extraterritorial Jurisdiction (“ETJ”) as they exist at the time this Ordinance is adopted and as may be modified in the future. However, signs on property (e.g., a business) as of the effective date of this Ordinance shall be exempt from this Ordinance, unless and until Sections 7.3 and 7.5 became applicable to said property and/or sign.

1.4 Prohibition

1.4.1 It shall be unlawful and an offense for any person/entity to do the following:

- (a) Install any sign contrary to this Section; and/or
- (b) Fail to comply with any terms or conditions set forth in a permit issued under this Section.

SECTION 2. DEFINITIONS

2.1 Rules of Interpretation

Words and phrases used in this Section shall have the meanings set forth in this Section. Terms that are not defined below, but are defined elsewhere in the Village’s ordinances, shall be given the meanings set forth in the ordinances. Words and phrases not defined in the ordinances shall be given their common, ordinary meaning unless the context clearly requires otherwise. When not inconsistent with the context, words used in the present tense shall include the future tense; words in the plural number shall include the singular number (and vice versa); and words in the masculine gender shall include the feminine gender (and vice versa). The words "shall" and “must” are always mandatory, while the word "may" is merely directory. Headings and captions are for reference purposes only. Signs that fit more than one definition under this Section shall be regulated under the definition with the more restrictive provisions.

2.2 General Terminology

Applicant: The person or entity requesting sign permit approval(s) from the Village. Typically, to obtain status of an applicant, the person must be the property owner, tenant, or an authorized agent of the property owner or tenant. The Village may require

documentation of a person's authority to act as an applicant before processing a request.

Building: Any structure intended for shelter, occupancy, housing or enclosure for persons, animals or chattel. When separated by dividing walls without openings, each portion of such structure so separated shall be deemed a separate building.

City Limits: The incorporated municipal boundary of the Village.

Day: A calendar day.

DVISD: Del Valle Independent School District.

ETJ: The Extraterritorial Jurisdiction of the Village of Webberville, which is the unincorporated area contiguous to and surrounding the Village that is established by law, particularly Chapter 42, Texas Local Government Code, as being the area in which the Village may exercise certain authority, including sign regulation, in order to promote and protect the general health, safety, and welfare of persons residing in and adjacent to the Village, the size of which is determined by the number of inhabitants residing in the Village.

Install, Installation: The process of creating, placing, and using a sign or sign structure. This term includes construction, erection, painting, attaching, or otherwise creating and displaying a sign or sign structure. The term also includes repairing, replacing, relocating or altering a sign or a portion thereof, such as a sign structure. The term does not include normal maintenance and cleaning.

Permittee: A person receiving a permit from the Village pursuant to the provisions of this Section.

Person: Any human individual, firm, partnership, association, corporation, company or organization of any kind, and its agents, representatives, or employees. For purposes of determining liability for actions taken in violation of this Section, the term person shall include the owner, lessor, lessee, and tenant of the property upon which the sign is located.

Right of Way: The area on, below, or above a public roadway, highway, street, public sidewalk, alley, waterway, or utility easement in which a governmental entity has an interest.

Sign Administrator: The officer appointed by the Village Commission with the authority to enforce this Ordinance. The term also includes any person designated to act on behalf of the Sign Administrator.

Structure: Anything constructed or erected, the use of which requires location on the ground or which is attached to something have a location on the ground (also see "Building").

Village Administrator: The Chief administrative officer for the Village. The Mayor shall serve in this capacity absent an appointment of another person by the Village Commission.

Village Commission: The governing body of the Village of Webberville, Texas.

Village of Webberville: An incorporated municipality located in Travis County, Texas; also referred to as the “Village”.

2.3 Sign Terminology

Architectural Detail: Any projection, relief, cornice, column, change of building material, window, or door opening on any building.

Architectural, Historic, or Scenic Area: An area that contains unique architectural, historic, or scenic characteristics that require special regulations to ensure that signs displayed within the area enhance its visual character and are compatible with the area.

Athletic Sponsorship Signs: Signs on field fences, at swimming facilities and scoreboards that are leased by DVISD, or other current school district. Other signs of support related to athletic events, such as those put up by booster clubs, are Special Event signs as defined by this Ordinance.

Awning: A cloth, plastic, or other nonstructural covering that either is permanently attached to a building or can be raised or retracted to a position against the building when not in use. This term does not include canopies.

Balloon Signs: Any inflatable, three-dimensional sign, with or without letters, symbols, or numbers, that is either expanded to its full dimensions or supported by gases contained within the sign at a pressure greater than atmospheric pressure.

Banner: A sign composed of a lightweight material (such as cloth, canvass, or vinyl) that is not permanently affixed to a rigid frame constructed of wood or metal.

Billboard: A sign that is freestanding, attached to, or part of a building, and is an off-premise sign that is designed for a change in copy, so that the characters, letters or illustrations can be changed or rearranged within a fixed sign face which advertises a business, organization, event, person, place, idea, or thing.

Business: The physical location, or storefront, of an enterprise engaged in by an entity, partnership, or sole proprietor. In the context of multi-unit complexes, each tenant is a separate business. For an enterprise with multiple locations within the city limits, for the purposes of this Ordinance, each location is treated as a separate business.

Canopy: A structure at the entrance to a building made of cloth, metal, or other material with frames affixed to a building and carried by a frame that is supported by the ground. This definition also includes a fuel station canopy, which is a framed structure used to shield fuel pumps from the rain and/or sun. This definition does not include awnings.

Changeable Copy Sign: A sign on which message copy is changed manually through the utilization of changeable letters, numbers, symbols, and other similar characters or pictorial panels.

Community Service Sign: A sign that solicits support for or advertises a non-profit organization, public service organization, or social institution. Such signs may include, but shall not be limited to, holidays, school activities, charitable programs, religious activities, sports boosters, or events of community interest. Such signs shall be placed only by: units of local, state, or federal governments; registered non-profit organizations; schools; the chamber of commerce; or religious organizations.

Context Sensitive Design: Design utilizing native materials, incorporating features in context with the natural and built environment.

Construction and Development Sign: A sign placed on a piece of property advertising planned construction and providing related information, including but not limited to the name of the contractor, the name of the owner, the planned date of completion, and information indicating the future use or occupation of the site (e.g., “Future home of…”).

Copy: The text, symbols, letters, or numbers used to form the informational portion of a sign.

Corner Lot: A non-residential property that has frontage on two streets (regardless of whether the streets intersect). Frontage on a shared access driveway is not considered street frontage for purposes of determining whether a property is included under this term.

Direct Illumination: Light sources that make up the text, symbols, letters, or number used to form the informational portion of a sign, including but not limited to: Light Emitting Diodes (LEDs), neon tubes, krypton tubes, argon tubes, and light bulbs.

Directory Sign: A type of monument sign that serves as a directory of individual occupants/tenants in a multi-unit complex.

Electrical Sign: Any sign for which the text, letters, numbers, pictures, or symbols forming the informational portion of the sign consists of flashing, intermittent, or moving lights, including any LED screen or any other type of video display. This definition does not include signs that have indirect illumination that is kept stationary or constant in intensity and color at all times when such sign is in use. This definition excludes “open/closed” signs and any sign located within the right-of-way that functions as a traffic control device and that is described and identified in the Texas Manual on Uniform Traffic Control Devices (TMUTCD).

Feather Banner: A sign that is constructed of lightweight material (such as cloth, canvas, or vinyl) affixed to a pole or building which is similar to a flag, except that it is longer than it is wide. A feather banner resembles a feather, in that it is tall and narrow, having more surface area vertically than horizontally when fully extended.

Flag: A piece of cloth, usually rectangular, used as the symbol, standard, or emblem of a nation, state, or organization, that is typically flown from a pole.

Flag, Government: An official flag of the United States of America, the State of Texas, or a political subdivision located in the City Limits or ETJ.

Footcandle: A unit of measurement that quantifies the illuminance produced by a light source, or the amount of light which falls onto an object.

Frontage: The width of the perimeter of a piece of property measured along the public street right-of-way.

Governmental Entity: A *political* subdivision or agency of the United States of America or the State of Texas. The term specifically includes, but is not limited to, the Village, Travis County, and DVISD.

Hand-Held Sign: Any sign, banner, flag, poster, or outfit held, carried, or worn by a person. This term specifically includes outfits (e.g. chicken suit, clown suit, etc.) for the purpose of drawing attention to a business, but specifically excludes logos, slogans, or trademarks on clothing that is worn in the ordinary course of business.

Hanging Sign: A sign that is affixed to the underside of a roof, canopy, awning, or porch.

Height:

- (1) Except as applied to a monument sign, height refers to the vertical distance between the highest attached component of the sign or of its supporting structure (whichever is higher) and the lowest attached component of the sign or of its supporting structure (whichever is lower).
- (2) As applied to a monument sign, height refers to the vertical distance between the highest attached component of the sign or of its supporting structure (whichever is higher) and the natural grade of the ground at the point where the sign is located.
- (3) If a monument sign sits on property that is adjacent to a public right-of-way, and the natural grade of the property is lower than the average grade of the public right-of-way, the responsible party may raise the grade of the property on which the sign is located up to four (4) feet, in accordance with zoning and all other ordinances, and height will be measured from the highest attached component of the sign or of its supporting structure (whichever is higher) and the increased grade. The responsible party may only increase the grade an amount equal to the difference between the average grade of the right-of-way and the natural grade of the property on which the sign is located.

Historic District: The area designated as the Historic zoning district.

Home Occupation Sign: A sign placed on a residence that is used to identify a business or enterprise that is conducted out of that residence.

Ideological Sign: Any sign communicating a message or ideas for non-commercial purposes that is not a construction sign, directional sign, temporary directional sign relating to a qualifying event, political sign, garage sale sign, or a sign owned or required by a governmental agency.

Illumination or Lighting: A source of any artificial or reflected light, either directly

from a source of light incorporated in, or indirectly from an artificial source, so shielded that no direct illumination from it is visible elsewhere than on and in the immediate vicinity of the sign.

Indirect Illumination: A light source not seen directly. The term includes a source of illumination which is not a part of the sign or the sign structure, that provides light for the sole purpose of making the sign visible when natural light is not sufficient.

Ingress/Egress Signs: Small signs that designate the exit or entrance of a property that has one (1) or more driveways. This definition includes signs directing traffic to drive-thru service lanes.

Internal Illumination: A light source that is concealed or contained within the sign and becomes visible in darkness through the sign's translucent surface. This definition includes reverse channel letters with a light source that creates a "halo" effect.

Menu Boards: A sign adjacent to a drive-through lane displaying the product choices and prices available for purchase at that location.

Mobile Concession Stand: A readily-moveable structure utilized by mobile food vendors, which is mounted on wheels, self-propelled, towed, or hauled by another vehicle, and used for short-term human occupancy, carrying of materials, goods, or objects, or as a temporary eating establishment.

Mobile Service Provider Sign: A sign announcing the services offered and operating hours of a vendor who frequently travels to varied locations within the City Limits or ETJ to provide services on-site temporarily without establishing an actual place of business. Examples of a Mobile Service Providers may include (but are not necessarily limited to) massage therapists, automobile windshield repairers, farmers and gardeners.

Monument Sign: A sign permanently affixed to the ground at its base, supported entirely by a base structure, and not mounted on a pole or part of a building.

Multi-Unit Complex: A grouping of two (2) or more business establishments that either share common parking on the lot where they are located, or that occupy a single structure or separate structures that are physically or functionally related or attached. This term also includes multi-unit residential complexes, including apartment complexes, garden homes, and retirement communities.

Natural Colors (earth tones): Colors that are muted and flat in an emulation of the natural colors found in dirt, moss, trees and rocks, including browns, tans, grays, greens, oranges, whites, blues and some reds.

Nit: A unit of measurement that quantifies the luminance of a surface, or the amount of light a surface gives off.

Noncompliant Sign: A sign that is placed, constructed, installed, and/or used in violation of this Ordinance, and which was not in place before the provisions of this Ordinance went into effect. This term also refers to a sign that does not comply with this

Ordinance and was also in violation of the Village's previous sign ordinance.

Nonconforming Sign: A sign that was lawfully installed prior to the adoption of this Ordinance, and was in compliance with all of the provisions of this Ordinance then in effect, but which does not presently comply with this Ordinance.

Non-governmental Flags: Flags representing a corporation, or other business entity, that incorporates a logo and/or trademark belonging to the corporation or entity. Specifically excluded from this definition are flags that are purely decorative, or have a non-commercial message.

Occupants: Proprietors or tenants using or occupying a building or parcel of land to which a sign or proposed sign refers.

Off-premise Sign: Any sign that advertises a business, person, activity, goods, products, or services not located on the property where the sign is installed, or that directs persons to a location other than the property where the sign is located.

Peak: The highest point on a roof or the highest point on another architectural element.

Pole Sign: A sign that is permanently supported in a fixed location by a structure of poles, posts, uprights, or braces from the ground and not supported by a building, fence, vehicle, base structure, or other support.

Political Sign: A sign upon which the content is primarily related to notice of or advocacy for an election of a person to public office, a political party, a primary election, a proposition to be voted upon at an election called by a public body.

Portable Sign: A sign not permanently attached to the ground or a building, which is designed to be easily transported or conveyed to different locations. This term includes, but is not limited to: sandwich boards, folding A-frame signs, sidewalk signs, signs affixed to trailers, mannequins, or signs on metal stands with skids or wheels.

Projecting Sign: A sign attached to and projecting from the wall of a building, and not on the same plane as the wall (i.e. not flush with wall surface). This includes but is not limited to channel letter signs, flexface signs with secured to a return, plaques, shingles and adhesive signs/lettering.

Property: A tract of land including its buildings or other appurtenances. With respect to a tenant in a multi-unit complex, the term property refers only to the leased space.

Responsible Party:

- (1) The owner/operator of the business being identified on the sign;
- (2) The owner of the property upon which the sign or sign structure is located;
- (3) The owner of the sign or sign structure; and/or
- (4) The person who installs a sign or sign structure, or contracts with a third party to accomplish the installation.

- (5) The person who retrieves a sign from the impound.

Real Estate Sign: A temporary sign erected by the owner of the real property on which the sign is located, or his agents, advertising the property for lease or sale.

Roof Sign: A sign that is displayed above the eaves and under the peak of a building. This term includes a sign painted, erected, constructed, or maintained on the roof of a building.

Sign: A lettered, numbered, symbolic, pictorial, or illuminated visual display designed to identify, announce, direct, or inform. The term “sign” includes banners, pennants, streamers, moving mechanisms, three dimensional objects/representations, logos, and lights.

Sign Electronic Changeable Copy: A sign or portion thereof that displays electronically, non-pictorial, text information in which each alphanumeric character, graphic, or symbol is defined by a small number of matrix elements using different combinations of light emitting diodes (LED’s) fiber optics, light bulbs or other illumination devices within the display area. Electronic Changeable Copy Signs include computer programmable, microprocessor controlled electronic displays.

Sign Electronic Graphic Display: A sign or portion thereof that displays electronic static images, static graphics, or static pictures, with or without text information, defined by a small number of matrix elements using different combinations of light emitting diodes (LED’s) fiber optics, light bulbs or other illumination devices with the display area where the message change sequence is accomplished immediately or by means of face, repixelization or dissolve modes. Electronic Graphic Display Signs include computer programmable, microprocessor controlled electronic displays.

Sign Structure: The supports, mounts, poles, braces, or base with or without a sign thereon, situated upon or attached to the property, upon which any sign is or is intended to be installed. This definition does not include a building, fence, wall, or earthen berm.

Signable Area: An area:

- (1) Enclosed by a box or outline, or
- (2) Within a single continuous perimeter composed of a single rectangle, circle, triangle, or parallelogram enclosing the extreme limits of characters, lettering, illustrations, ornamentations, or other figures.

Because projecting signs and awnings have flat surfaces, it is not necessary to select an area free of architectural detail. Signable area for wall signs are free of architectural details on the facade of a building or part of a building, which shall include the entire area:

- (1) Enclosed by a box or outline, or

- (2) Within a single continuous perimeter composed of a single rectangle, circle, triangle, or parallelogram enclosing the extreme limits of characters, lettering, illustrations, ornamentations, or other figures.

Except for balloon signs, directory signs, and monument signs, the definition of signable area is applicable when referring to limitations on the area of a sign in this Ordinance. When referring to area limitations of balloon signs, area and signable area refers to a single continuous perimeter composed of a single rectangle, circle, triangle, or parallelogram enclosing the extreme limits of the balloon sign. When referring to area limitations of monument and directory signs, area and signable area refers to an area within a continuous perimeter that includes the sign structure as well as the lettering, illustrations, ornamentations, or other figures.

Special Event Sign: Signs for specific occasions with a predetermined date, duration, and end point. Examples include but are not limited to: Sale, Clearance, Athletic Events, Garage Sale, Yard Sale, Open House, and Farmers Market signs. This term also includes events hosted by community civic organizations.

Traffic Control Sign: A sign, other than an ingress/egress sign, that is used to direct or prohibit pedestrian or vehicle traffic within a parking lot or private street.

Vehicular Sign: A sign painted on or attached to a motor vehicle, or on a trailer. This definition includes, but is not limited to, billboard trucks, billboard trailers, vehicle wraps, and vehicles with logos or other information related to the identification of a business or its products or services. This definition does not include bumper stickers, legally required vehicular inspection or registration information, or information identifying of the make and model of the vehicle.

Vending Machine Sign: Any sign integrated into or placed on a coin, cash, credit card or debit card operated self-service machine that dispenses such goods or services as propane cages, ice, DVDs, or cash automated teller machines (ATMs).

Wall Sign: A sign painted on, or otherwise made an integral part of a wall. Typically a wall sign is on the same plane as the wall (i.e. flush with the wall surface). The term does not include a sign that can be removed from the wall and remain substantially intact (e.g., banners or projecting signs as they are defined in this Ordinance).

Warning Sign: Signs whose purpose is to limit permissible uses of private property, including but not limited to signs prohibiting trespassing, hunting, fishing, or loitering.

Window Sign: Signs that are painted on, etched in, or visible through a window or transparent door of a building that are oriented in a manner establishing an intent to be viewed off-premises or from public roadways. This term excludes: (a) small business related signs as described in 26.02.001(2)(L); (b) signs displayed inside of buildings primarily for patrons on the premises; and (c) decorative window painting.

SECTION 3. GENERAL PROVISIONS

3.1 Noncompliant Signs Prohibited

The installation, maintenance, repair, alteration, or relocation of a sign within the city limits or ETJ, except in accordance with the provisions of this Ordinance, is prohibited. No owner of real property in the Village or its ETJ shall have any sign located on such property, except in accordance with the provisions of this Ordinance.

3.2 Address Signs

Address signs shall be required to be visible from an adjacent right-of-way for the primary structure on each piece of property, including residential and non-residential property. The letters, numbers, and symbols that make up these signs must be six inches (6") in height.

3.3 Dilapidated Signs

Signs and sign structures are required to be maintained in a good and sound condition as determined by the Building Official in accordance with the International Building Code. Responsible parties must repair or replace signs and sign structures that are rotting, peeling, rusting, fading, becoming discolored, covered in dirt, or filled with holes. Responsible parties shall not allow signs or sign structures to become dangerous, within the meaning of the International Building Code, as a result of inadequate design, construction, repair, or maintenance. The Village can compel immediate removal of signs, or remove at the property owner's and/or sign owner's expense, that are in such a state of disrepair as to constitute an imminent threat to public health, safety and welfare.

3.4 Discontinued Signs and Discontinued Use

The responsible party shall remove any sign that advertises a business or project that has ceased operations in excess of one (1) year, unless the property is leased, in which case the sign shall be removed after two (2) years. The responsible party shall remove any sign and/or sign structure that has not been used for advertising or promoting a going concern for at least one (1) year. For the purposes of this Section, a business or project has ceased to operate when it is no longer engaged in the sale of products or services in the normal course of business.

3.5 Obstructions to Passageways

No sign shall be installed so as to prevent free ingress to or egress from any door, window, or fire escape. No sign of any kind shall be attached to a standpipe or fire escape.

3.6 Traffic Hazards

No sign or sign structure is permitted to:

3.6.1 Obstruct free and clear vision at any street intersection.

- 3.6.2 Interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal or device because of its position, shape or color.
- 3.6.3 Use illumination resembling an emergency signal.
- 3.6.4 Be the cause of a recurring traffic slow down, whether because of its positioning, content, visual impact, or a combination of these or other factors.

3.7 Street Right-of-Way Protected

- 3.7.1 A person shall not install a sign on the right-of-way of a street or highway maintained by the Village unless explicitly authorized by this Ordinance.
- 3.7.2 Signs installed in violation of this Ordinance are hereby declared a public nuisance, and may be removed and disposed of by the Village without notice and without compensation to the sign owner.

3.8 Utility Right-of-Way Protected

The installation of a sign or sign structure shall not inhibit access to or interfere with a utilities or drainage easement.

3.9 Prohibited Signs on *Private* Property

No person is permitted to install any of the following on private property:

- 3.9.1 Billboards
- 3.9.2 Electronic Graphic Display Signs
- 3.9.3 Feather Banners
- 3.9.4 Hand-Held Signs
- 3.9.5 Off-Premises Signs
- 3.9.6 Pennants
- 3.9.7 Pole Signs
- 3.9.8 Roof Signs
- 3.9.9 Signs that move or have moving parts
- 3.9.10 Balloon Signs
- 3.9.11 Signs on Trash Receptacles

Signs are prohibited on trash receptacles. Information regarding use, safety instructions and otherwise customarily found on trash receptacles as a means of identifying the trash collection company is permitted

3.9.12 Signs on Trees

3.9.13 Signs on Utility Poles

Signs are prohibited on utility poles. Information regarding service, safety instructions and otherwise customarily found on utility poles as a means of identifying the service provider is permitted.

3.10 Prohibited Signs on *Public Property*

No person is permitted to install any of the following on public property:

3.10.1 Billboards

3.10.2 Electronic Graphic Display Signs

3.10.3 Feather Banners

3.10.4 Off-Premises Signs

3.10.5 Pennants

3.10.6 Roof Signs

3.10.7 Signs that move or have moving parts

3.10.8 Balloon Signs

3.10.9 Signs on Trash Receptacles

Signs are prohibited on trash receptacles. Information regarding use, safety instructions and otherwise customarily found on trash receptacles as a means of identifying the trash collection company is permitted.

3.10.10 Signs on Trees (format)

3.10.11 Signs on Utility Poles

Signs are prohibited on utility poles. Information regarding service, safety instructions and otherwise customarily found on utility poles as a means of identifying the service provider is permitted.

3.11 Reflective surfaces

Signs with reflective surfaces are prohibited, unless displayed by a governmental entity.

3.12 Building & Electrical Codes

Signs and sign structures will be installed, repaired, replaced, and maintained in compliance with all applicable building and electrical codes adopted by the Village.

3.13 Encouraging Violations By Others

It shall be an offense under this Ordinance to encourage another person to violate specific provisions of this Ordinance.

SECTION 4. PERMITS

4.1 Permissible Signs

The Signs listed in this Section are permissible within the city limits and the ETJ, in accordance with all applicable requirements of this Ordinance.

4.1.1 Permit Required

- (a) Awning signs.
- (b) Banners.
- (c) Canopy signs.
- (d) Community copy signs.
- (e) Signs on Concession trailers.
- (f) Construction and development signs over six (6) square feet.
- (g) Directory signs.
- (h) Hanging signs.
- (i) Ingress/Egress signs.
- (j) Menu boards.
- (k) Mobile service provider signs.
- (l) Monument signs, multi-unit.
- (m) Monument signs, single.
- (n) Monument signs, subdivision.
- (o) Projecting signs.

- (p) Real estate and for sale signs over six (6) square feet.
- (q) Special event signs.
- (s) Wall signs.
- (t) Window signs.

4.1.2 Permit Not Required

- (a) Address signs.
- (b) Athletic event and sponsorship signs.
- (c) Construction and development signs six (6) square feet or less.
- (d) Home occupation signs.
- (e) Flags.
- (f) Political signs.
- (g) Ideological signs.
- (h) Private street, road name, and residence signs.
- (i) Real estate and for sale signs six (6) square feet or less.
- (j) Seasonal decorations to include temporary decorations that are clearly incidental to and are customarily and commonly associated with any national local, or religious holiday or celebration.
- (k) Signs or notices issued by any court or governmental entity.
- (l) Small, business related signs on or visible through doors or windows indicating: store hours, security systems, trade organization memberships, credit cards accepted, no solicitation, and open/closed. These signs will not count towards the sign allowance so long as their total cumulative signable area does not exceed five (5) square feet.
- (m) Traffic controls signs.
- (n) Vehicle signs.
- (o) Vending machine signs.
- (p) Warning signs.

4.2 Application

Prior to installing a sign requiring a permit or prior to keeping a non-conforming sign, a person must obtain a permit from the Village. The permit application must be accompanied by the applicant information, illustrations, and fee.

4.2.1 Applicant Information

- (a) Name, address, and telephone number of the owner of the sign;
- (b) Name, address, and telephone number of occupant sponsoring the sign;
- (c) Name, address, and telephone number of the contractor, if any, installing the sign;
- (d) Name, address, and telephone number of the property where the sign is to be installed;
- (e) Date on which it is to be installed;
- (f) Estimated sign square feet allowance and square feet permit request; and
- (g) Any variance that will be requested or has been approved.

4.2.2 Illustration Requirements

- (a) Scaled drawing;
- (b) Show existing signs displayed on the property;
- (c) Show the location, height, and size of any proposed signs;
- (d) Include the items of information proposed to be displayed;
- (e) Show and calculate the percentage of the signable area covered by the proposed signs;
- (f) Specifications for the construction or display of the sign, including the materials to be used in the construction of the sign or sign structure; and
- (g) Specifications for any internal or indirect illumination of the sign.

4.2.3 Fees

The fees for permit applications and extensions shall be \$2 per square foot of total signable area. All other fees are \$25 except a variance request which is \$100. Signs erected before a permit is approved shall require double the normal permit fee amount. The fee charged for a permit to change the copy portion of a sign is reduced to the lesser amount set forth in the fee schedule.

4.3 Inspections

4.3.1 Illustration Inspection

At the discretion of the Sign Administrator, each applicant may be required to submit the illustrations listed above to the Village's Building Inspector for approval before a permit may be issued. The Sign Administrator may require the

submission of illustrations pursuant to this Section when the size, materials, or electrical components of the sign and/or sign structure warrant review by the Village's Building Inspector. Refusal to submit illustrations when requested pursuant to this Subsection is grounds for denial of a sign permit.

4.3.2 Follow-up Inspection

Each applicant required by the above Subsection to submit illustrations for review by the Village's Building Inspector may be required by the Sign Administrator to submit to a physical inspection of the sign and/or sign structure after the completion of the construction phase. Refusal to allow access for an on-site inspection constitutes a violation of this Ordinance.

4.4 Review & Time Limits

The Sign Administrator shall promptly review the application upon the receipt of a complete permit application and upon payment of the permit fee by the applicant. The Sign Administrator shall grant or deny the permit application within twenty (20) days from the date the complete application, including all required documentation and permit fee, was filed with the Sign Administrator. Failure to act within twenty (20) days constitutes a denial of the application.

4.5 Approval

The Sign Administrator shall approve a permit for the sign if it complies with the building, electrical or other adopted codes of the Village, and with:

- 4.5.1 The regulations for signs contained in this Ordinance; and
- 4.5.2 Any variance that has been granted from these regulations; and
- 4.5.3 Any special regulations that have been adopted for a type of sign or for signs located in a district established under this Ordinance; and
- 4.5.4 The master plan for signs, with regards to a multi-unit property or in a Planned Development District (PDD), which has been approved under this Ordinance.

4.6 Denial

If the Sign Administrator does not approve a permit for the sign, the Sign Administrator shall state the reasons for the denial in writing, and shall mail a certified copy of the reasons for denial to the address of the applicant stated on the application, even if 20 days after application was filed (see Subsection 4.4).

4.7 Appeals

Any applicant who is denied a permit for the display of a sign may file a written appeal to the Village Commission (“Commission”) within ten (10) days after receipt of the written copy of the denial provided by the Sign Administrator by certified mail. At the next regular Commission meeting, the Commission shall hold a hearing and vote whether to issue the permit. An appeal stays all proceedings in furtherance of the action unless the Sign Administrator determines in writing that a stay would cause imminent peril to life or property. The Commission may uphold, modify, or reject the recommendations of the Sign Administrator.

4.8 Duration & Expiration

4.8.1 Commencement

The approval of a sign permit shall be effective for a period of six (6) months. If the authorized sign work has not commenced within six (6) months of the date the permit was issued, the permit shall be deemed to have automatically expired and shall become null and void, requiring the submittal of a new sign permit application.

4.8.2 Completion

If the authorized sign work is not fully completed within nine (9) months of the date the permit was issued, the permit shall be deemed to have expired and shall become null and void.

4.8.3 Extension

Prior to expiration of a sign permit, the applicant may request an extension in writing. The Sign Administrator may grant an extension under the following circumstances:

- (a) The applicant has adequately demonstrated weather delays; or
- (b) The applicant adequately demonstrated delays due to market situations beyond the applicant’s control.

4.8.4 Extension Limit

Two (2) extensions of three (3) months each in length may be granted.

SECTION 5 VARIANCES

5.1 Variance Procedure

- 5.1.1 A responsible party that wants a variance from this Ordinance must file a Request for Variance with the Sign Administrator along with a variance fee, as stated in the Village's most recent fee schedule. The Sign Administrator will indicate what documentation the responsible party must provide in support of the request.
- 5.1.2 Once the necessary documentation has been provided to the Sign Administrator, the Sign Administrator will review the request and make a determination within 30 days based on the documentation provided by the responsible party.
- 5.1.3 If the responsible party disagrees with a decision by the Sign Administrator to deny a variance request, the responsible party can submit a written request to the Sign Administrator that the Village Commission review the request, the supporting documents, and the Sign Administrator's decision at the next Village Commission meeting.

5.2 Design Standards for Variances

- 5.2.1 When considering granting a variance in accordance with this Section, the following considerations may be considered by the Sign Administrator and the Village Commission:
- (a) Special or unique hardship because of the size or shape of the property on which the sign is to be located.
 - (b) Hardship claim based on the exceptional topographic conditions or physical features uniquely affecting the property on which a sign is to be located.
 - (c) The proposed sign is not listed in subsection 4.1, but is determined by the Village to be an acceptable alternative design to what is permitted by this Ordinance.
 - (d) Proposed sign location, configuration, design, materials and colors are harmonious with the local area's setting.
 - (e) The proposed sign does not visually dominate the structure to which it belongs or call undue attention to itself.
 - (f) Visible sign materials for permanent signs are predominantly natural such as native stone, granite, wood, bronze, or other rustic metals (non-reflective). This Section does not apply to portions of the sign or sign structure that are not readily visible once construction has been completed.
 - (g) The sign and its supporting structure should be in architectural harmony with the surrounding structures.
 - (h) Natural colors (earth tones) and muted colors are favored. Color schemes must be compatible with the surrounding structures. Predominate use of bold and/or bright colors is prohibited under this Section.
 - (i) Landscaping, where required, should be designed to harmonize with the building and surrounding natural landforms and native plants, and be

maintained in a neat, clean, and healthy condition. The Village may take into consideration an applicant's plan to provide for tree preservation, open space, or landscaping that exceeds the mandates of the Village's ordinances.

- (j) The Village may take into consideration the demonstrated and documented correlation between the variance and protecting the public health and safety.

5.2.2 The Village will be more inclined to consider a variance request when it is sought during an earlier stage of the construction approval process, for instance when the responsible party is submitting/obtaining a: Plat, Planned Development District, Development Agreement, or Site Plan.

5.3 Financial Hardship

A showing that the display of a sign would be more profitable or the sign would be more valuable is *not* a special or unique hardship as required by this Section.

5.4 Conditions

The Sign Administrator and Village Commission may impose conditions upon the granting of a variance under this Section. Such conditions must be related to the variance sought, and be generally intended to mitigate the adverse effects of the sign on neighboring tracts and the general aesthetic ambiance of the community. A responsible party's failure to comply with conditions placed on a variance may result in the Sign Administrator or Village Commission voiding the variance and authorizing all available code enforcement actions and other remedies available in equity or at law.

SECTION 6. SIGN STANDARDS AND LIMITATIONS

6.1 Signs may include and shall be limited to the following:

- 6.1.1 Flush wall signs, projecting wall signs, window signs, freestanding signs, and ground signs, provided that the placement and use of all such signs shall be governed by and shall be within the following limitations:
 - (a) For the first two hundred (200) feet in building frontage length, the maximum sign area permitted shall be equal to two (2) square feet of sign area for each linear foot of building frontage length.
 - (b) For that portion of a building frontage which exceeds two hundred (200) feet in length, the maximum sign area permitted shall be equal to one (1) square foot of sign area for each linear foot of building frontage length over such two hundred (200) feet. The sign area permitted hereunder shall be in addition to the sign area permitted under Subsection 6.1.1 (a) above.
 - (c) In no event shall the total sign allowance for any property be less than one (1) square foot of sign allowance for each linear foot of lot frontage.

- (d) In no event shall more than three (3) street or building frontages be used as the basis for calculating the total sign allowance as permitted in Subsections 6.1.1 (a) and (b) above, inclusive.

6.1.2 For the purpose of this Section, the sign allowance shall be calculated on the following basis:

- (a) The length of the one (1) building frontage(s) which is most nearly parallel to the street it faces.
- (b) If a building does not have frontage on a dedicated public street, the owner of the building may designate the one (1) building frontage which shall be used for the purpose of calculating the sign allowance.
- (c) The sign allowance for a property may be distributed in any manner among its building and/or street frontages except that no one (1) building or street frontage may contain more sign area than one hundred (100) percent of the sign area provided for by Subsections 6.1.1 (a) and (b) above, inclusive.

6.1.3 Freestanding and ground signs shall comply with the following requirements with respect to type, size, number, and height:

- (a) Signs permitted under Subsection 6.1.3 must be in the form of monument signs.
- (b) Changeable Copy is permitted on monument signs permitted under Subsection 6.1.3 with the following standards:
 - (i) Quantity: Changeable Copy is limited to one (1) street frontage for each lot and fifty (50%) of the utilized sign area.
 - (ii) Setback: Electronic Changeable Copy is required to be at least 100 feet from a principal residential structure.
 - (iii) Duration: Changeable Copy must have a display duration of at least ten (10) seconds that is static during each individual message. No portion of the message may flash, scroll, twirl, change color fade in or out or imitate movement. The transition from on static display to another must be instantaneous.
 - (iv) Space: Electronic Changeable Copy Signs must be separated from other Electronic Changeable Copy Signs by at least 100 feet.
 - (v) Text Size: Every line of Changeable Copy must be at least seven (7) inches in height on a road with a speed limit of 25 to 34 miles per hour, nine (9) inches on a road with a speed limit of 35 to 44 miles per hour, twelve (12) inches on a road with a speed limit of 45 miles per hour or more.
 - (vi) Malfunction: Every Electronic Changeable Copy Sign must be designed and equipped to free the device in one position if a malfunction occurs. The displays must also be equipped with a means to immediately discontinue the display if it malfunctions, and the sign owner must immediately stop the dynamic display when notified by the Village that it is not compliant with the standard of this Ordinance.

- (vii) **Brightness:** Electronic Changeable Copy signs must have an automatic phased proportional dimmer, which must be used to reduce nighttime brightness levels. Brightness levels are limited to 7,500 nits during the day and 500 nits during the night.
- (viii) **Identity:** Changeable Copy commercial messages shall not direct the attention to a business, product, service, or entertainment conducted, sold or offered off the premise that is not also conducted, sold or offered on which the sign is located.
- (ix) **Community Preservation:** Electronic Changeable Copy signs are not permitted in the Historic District.
- (x) **Hours:** Electronic Changeable Copy must be turned off by the later of closing time or 11:00 p.m.; if prior to sunrise, no more than one hour prior to opening.
- (c) In addition to the basic size allowance permitted in this Section, the sign area and height of a freestanding or ground sign may be increased by an additional twenty (20) percent if no backlighting is used on the primary or secondary freestanding or ground sign. This rural conservation bonus shall only be applied to the freestanding or ground sign on which the limitation occurs.
- (d) Freestanding sign chart.

Maximum area per sign face	Maximum area per sign face with bonus (with no internal illumination)	Maximum number of freestanding signs permitted per street frontage	Maximum height	Maximum height with bonus (no internal illumination)
40 sf	50 sf	1	8 ft	10 ft

6.1.4 One (1) non-electrical identification sign per residential multi-unit complex is permitted;

6.1.5 Identification signs during the construction of a development, provided that the placement and use of all such signs shall be subject to the following limitations:

- (a) The maximum size for identification signs shall be sixty-four (64) square feet in area per face.
- (b) All such signs shall be located within the development and must be located along arterial streets abutting the development and shall be subject to the following limitations:

- (c) No more than two (2) such signs shall be permitted on any single arterial boundary of the development.
 - (d) Such signs must be at least one thousand (1,000) feet apart if they are not located at the same intersection.
 - (e) When a development has no frontage on an arterial street, identification signs may be located along collector streets abutting the development, except that no more than one (1) such sign shall be permitted along any collector street abutting the development.
 - (f) Identification signs must be removed when the development sales office closes.
 - (g) Identification signs must be non-electrical.
- 6.1.6 Any number of election signs, provided each such sign does not exceed thirty-two (32) square feet in area per face and is non-electrical and unlighted;
- 6.1.7 One (1) identification sign per subdivision sales office, provided that such sign does not exceed ten (10) square feet in area per face and is non-electrical and unlighted;
- 6.1.8 Any number of ideological signs, provided such signs comply with all other requirements for signs, do not exceed ten (10) square feet in area per face with a maximum aggregate of twenty (20) square feet in face area per lot and are non-electrical and unlighted. In addition, where an identification sign is allowed under this Section, all or any portion of said sign may be used as an ideological sign;
- 6.1.9 One (1) for sale or for rent sign per lot, provided such sign does not exceed sixteen (16) square feet in area per face and is non-electrical and unlighted;
- 6.1.10 Flags
- (a) Three (3) flags are allowed per property.
 - (b) The area of each flag shall not exceed thirty (30) square feet
 - (c) Flagpoles shall not exceed thirty (30) feet in height, and if governmental flags and non-governmental flags are to be flown on the same property, the responsible party must comply with the Texas Flag Code, found in Chapter 3100 of the Texas Government Code.
 - (d) Flagpoles must be installed either: (1) on the ground at finished grade; or (2) on the building. Flagpoles may not be affixed to rooftops.
 - (e) The area of flags will count towards the total cumulative signable area for a particular property.
 - (f) Illuminated flags must utilize downward shining truck lighting.

6.1.11 Special Event Signs

- (a) Except as provided in Subsection 6.1.11(d), the maximum area of a special event sign shall not exceed thirty-two (32) square feet in a non-residential area and twelve (12) square feet in a residential area. Special event signs do not count towards total cumulative signable area limits.
- (b) The maximum height for a special event sign shall not exceed six (6) feet.
- (c) Special event signs must be removed within three (3) days after the end of the event to which the sign refers, but in any case may only be installed for a period not to exceed thirty (30) days in a calendar year.
- (d) Garage Sale, Yard Sale, and Open House signs shall be installed only during the day of the event, during daylight hours, and the maximum area shall not exceed six (6) square feet.
- (e) Only one (1) special event sign is permitted per property.
- (f) Special Event Signs may not be erected more frequently than four (4) times a year.

6.1.12 Vehicular Signs

- (a) The maximum area for vehicular signs is thirty-two (32) square feet.
- (b) Only one vehicular sign is permitted per property.
- (c) Vehicular signs that are related to a particular business are exempted from the prohibition against off-premises signs only when they are in use as means of transportation.
- (d) The signable area of a vehicle sign is not counted towards the cumulative sign limits of this Section if it is regularly and frequently used in the course of business and cannot reasonably be parked out of view from a public right-of-way.
- (e) There is a rebuttable presumption that the vehicle is not regularly and frequently used in the course of business if it is inoperable (e.g., flat tire) and/or if it does not have current license, registration, or inspection.
- (f) There is a rebuttable presumption that the vehicle can be parked out of view from a public right-of-way if there is a parking space that:
 - (i) Is of sufficient size,
 - (ii) Is out of view from a public right-of-way,

- (iii) Is on land owned or leased by the responsible party; and
- (iv) Is on or near the property that contains the business to which the vehicle sign is related.

6.1.13 Vending Machine Signs

- (a) Vending machine signs may not be in excess of the normal dimensions of the machine to which the sign is attached.
- (b) Each side of the vending machine that has signable area which is visible from a public right-of-way gets counted towards the total amount of signable area for that property.
- (c) A vending machine that exceeds 8 feet in width or depth shall conform to sign regulations for fixed structures.

6.1.14 Mobile Concession Stands

- (a) Permit applications must be accompanied by written, notarized authorization from the property owner or manager verifying that the applicant has authorization to temporarily locate the Concession Trailer at that location.
- (b) A Permit will only be valid for a three (3) month period.
- (c) Permits are not required for seasonal activities or civic events that last less than one week.

6.1.15 Mobile Services Providers

- (a) The maximum area of a Mobile Services Sign shall not exceed twelve (12) square feet. Mobile Services Signs do not count towards total cumulative signable area limits for the property.
- (b) The maximum height for a Mobile Services Sign shall not exceed four (4) feet.
- (c) Mobile Services Signs must be removed daily.
- (d) Mobile Services Signs may only be installed for a period not to exceed twenty-six (26) days in a calendar year.
- (e) Mobile Services Signs shall be installed only during the day services are provided at that location.
- (f) Only one (1) Mobile Services Signs is permitted per property.

6.2 Multi-Unit Property

- 6.2.1 Multi-unit properties in non-residential areas are limited to the number of monument signs permitted in accordance with Subsection 6.1.1 of this Ordinance.

- 6.2.2 In addition to monument signs on public rights-of-way, one (1) directory sign is permitted per building in a multi-unit complex.
- 6.2.3 In addition to Subsection 6.1, and in accordance with the master sign plan, each unit in the multi-unit complex will be entitled to one (1) additional sign.
- 6.2.4 A master sign plan shall be required for all Multi-unit complexes and/or Planned Unit Developments before any signs for such development may be installed on the property. All owners, tenants, subtenants and purchasers of individual units within the development shall comply with the approved master sign plan. Heightened consideration by the Village will be given to any sign variances for the property sought as part of the master sign plan.
- 6.2.5 Two (2) projecting signs may be permitted if a business: (a) is within a multi-unit property; (b) takes up an entire building; and (c) is on a corner, or has two public entrances on different sides of the building in which it is located.
- 6.2.6 Notwithstanding other provisions of this Ordinance applying to banners, multi-unit properties are limited to one-half (1/2) the units displaying a banner at the same time if those banners are visible from the public right-of-way. There is no limitation on the number of banners that may be displayed simultaneously at multi-unit properties if the banners are internal to the property and not visible from the public right-of-way.

6.3 Lighting

- 6.3.1 Internal lighting is allowed, however the light source must be fully enclosed within a translucent/opaque covering. Fifty-one (51) percent of the illuminated sign must be a dark color with no more than forty-nine (49) percent a light color. Reverse channel (halo lit) letters are acceptable so long as the light source is concealed.
- 6.3.2 The lights used to make a sign visible, or as a part of the sign, must comply with the Village's lighting ordinance.
- 6.3.3 All flood lights shall be shielded.
- 6.3.4 No sign or other sign structure is permitted: (1) to have illumination which is intermittent or varies in color or intensity from time to time; (2) which interferes with the use of any neighboring property; (3) which obscures an official traffic sign, device or signal; or (4) which distracts operators of vehicles or pedestrians on a public right-of-way.
- 6.3.5 The illumination of any sign is allowed between sunrise and 11:00 p.m., except in instances that meet one of the following criteria:

- (a) On-premises signs may remain illuminated between 11:00 p.m. and sunrise only while the business is open to the public; or
- (b) On or off-premises signs may remain illuminated between 11:00 p.m. and sunrise only if no light is emitted above a horizontal plane and the light emitted does not constitute light trespass. Light trespass is defined as light emitted from fixtures designed or installed as to cause light to fall where it is not wanted (i.e., usually on neighboring property, motor vehicle driver's eyes, or wasted upwards, illuminating the sky).

6.4 Location

- 6.4.1 Athletic sponsorship signs shall only be located on Village property or DVISD property, shall be located only on ball field fences and/or scoreboards facing the playing area, and shall be erected by the Village or DVISD.
- 6.4.2 Unless otherwise associated with such location, no sign shall be located nearer than twenty (20) feet to any church, cemetery, public building, historic site or district.

6.5 Measurement of Surface Area

Only one (1) side of a double faced, v-shape, back to back, or other similar type of sign shall be measured to determine the surface area of a sign.

6.6 Setback from Right-of-Way

All signs and supporting structures shall be required to be setback at a minimum of eight (8) feet from the street right-of-way. The Sign Administrator can grant an administrative variance (without the need for payment of a variance fee) that will allow temporary signs, which are signs with a time limit, to be placed on the property line abutting the street right-of-way. An administrative variance may only be granted if it can be shown to the Sign Administrator that the placement of the sign will not cause a safety hazard or interfere with lines of sight for pedestrian or vehicular traffic.

6.7 International Building Code

All sign installation commenced in the Village's municipal limits or its ETJ must be in compliance with the International Building Code, as amended, as adopted by the Village Commission.

SECTION 7. NON-CONFORMING SIGNS

7.1 Generally

In addition to signs within the definition of nonconforming signs found in Section 2 of this Ordinance, any sign lawfully existing in an unincorporated area prior to annexation by the Village, but which does not conform with the provisions of this Ordinance upon annexation, is hereby deemed to be a nonconforming sign.

7.2 Modification

- 7.2.1 A nonconforming sign or sign structure shall be brought into conformity with this Ordinance if more than fifty percent (50%) of the nonconforming sign or sign structure is modified, meaning blown down, destroyed, dismantled, reconstructed, or replaced for any purpose other than maintenance operations or changing letters or symbols. A nonconforming sign or sign structure shall be brought into conformity with this Ordinance if the sign or sign structure is relocated. A change in copy on a changeable copy sign is not a modification for purposes of this Subsection.
- 7.2.2 Modification of a nonconforming sign solely in the form of changes to the sign area to identify new occupants of the premises can be approved by a waiver issued by the Sign Administrator. In determining whether to grant a waiver to a specific applicant, the Sign Administrator shall evaluate the safety and design specifications in light of the general criteria and purposes of this Ordinance. The Village will not impose a permit fee or waiver fee for approvals sought under this Subsection.

7.3 Removal or replacement

Removal of a nonconforming sign, or replacement of a nonconforming sign with a conforming sign is required when a nonconforming sign, or a substantial part of a nonconforming sign, is blown down, destroyed, or for any reason or by any means taken down, altered, or removed.

- 7.3.1 As used in this Subsection, “substantial” means fifty percent (50%) or more of the entire sign structure.
- 7.3.2 As used in this Subsection, the term “substantial” also applies if the cost of reconstruction or replacement of the sign, sign structure, or building exceeds fifty percent (50%) of the value of the sign, sign structure, or building prior to the event that necessitated its reconstruction or replacement.
- 7.3.3 Nothing contained in this Section is intended to prevent the routine repair and maintenance of a nonconforming sign.
- 7.3.4 Removal of a nonconforming sign, or replacement of a nonconforming sign with a conforming sign is required when the condition of the nonconforming sign or nonconforming sign structure has deteriorated or has been damaged and the cost of restoration of the sign to its condition immediately prior to such deterioration

exceeds fifty percent (50%) of the value of the sign or sign structure prior to its deterioration.

- 7.3.5 Removal of a nonconforming sign, or replacement of a nonconforming sign with a conforming sign, in accordance with this Section, must be completed within sixty (60) days of the occurrence in which the nonconforming sign, or a substantial part thereof, was blown down, destroyed, or for any reason or by any means taken down, altered, or removed.

7.4 Permits for other signs on same property

Before any permit may be issued for a new sign under this Ordinance, the responsible party shall modify or remove any of its own nonconforming signs and sign structures displayed or erected on the same property for which the permit is being sought, so that all the signs and sign structures they are responsible for on the property conform to the provisions of this Ordinance. This provision does not apply to special event signs.

7.5 Building additions or exterior remodeling

Any building addition that increases the appraisal value or the gross floor area of a property by fifty percent (50%) or more, or any exterior structural remodeling of a building facade of fifty percent (50%) or more on which a nonconforming sign is located, shall require all nonconforming signs and sign structures on the property to be brought into conformity with the provisions of this Ordinance.

7.6 Exceptions for spacing of monument signs

No sign that is nonconforming solely because it violates a requirement for the spacing of monument signs shall be required to eliminate that nonconformity if compliance with the spacing regulation on the property is not practicable.

7.7 Off-premises signs

- 7.7.1 Inventory. The owner or operator of one or more off-premises signs within the city limits and its ETJ must inventory the signs on forms provided by the Village and file the completed forms with the Village before _____ 30, 2013 [insert 30 days after sign ordinance adoption]. No permit for alteration or relocation may be issued for an off-premises sign that was not timely inventoried and reported to the Village.
- 7.7.2 Alteration. An off-premises sign may not be altered with regard to amount of surface area, shape, orientation, height, illumination, or location without the prior issuance of a sign alteration or relocation permit. Ordinary and routine necessary repairs that do not change the size, shape, orientation, height, illumination, or location of an inventoried off-premises sign do not require an alteration permit. A sign alteration permit expires if the approved modifications are not completed within ninety (90) days of permit issuance.
- 7.7.3 Maintenance. If the Sign Administrator finds that any off-premises sign on the authorized list is not maintained in good repair, the Sign Administrator will notify

and order the owner to repair the sign within thirty (30) calendar days. If the Sign Administrator finds that the sign structure or sign area [of] an off-premises sign has deteriorated more than fifty percent (50%) of its replacement value, or is not repaired within thirty (30) calendar days, the Sign Administrator shall notify the owner of the off-premises sign and the owner of the real property on which the off-premises sign is located to remove the off-premises sign or poster panel from the property within a specified time. Replacement of more than fifty percent (50%) of an off-premises sign during one calendar year shall void the legal nonconforming status of the sign and require immediate removal or conformance with current standards. All off-premises signs ordered to be removed shall be stricken from the authorized list.

7.8 Incentives for compliance

- 7.8.1 Variance incentive. When considering granting a requested variance under this Ordinance or any other ordinance, the Village may take into consideration an applicant's commitment to bring pre-existing nonconforming signs into compliance with this Ordinance, and/or remove pre-existing nonconforming signs.
- 7.8.2 Permit incentive. If a responsible party voluntarily elects to bring a pre-existing nonconforming sign into compliance with this Ordinance, the Sign Administrator may waive the application fee for any required sign permits related to the specific property.

SECTION 8. PENALTIES AND ENFORCEMENT

8.1 Complaints

- 8.1.1 Complaints alleging violations of this Ordinance may be filed with the Village by any person, including but not limited to Village officials.
- 8.1.2 The Sign Administrator may, at the Administrator's discretion, notify the responsible party informally.
- 8.1.3 Sworn complaints shall be filed with a Village official.

8.2 Civil & Criminal Penalties

The Village shall have the power to administer and enforce the provisions of this Ordinance as may be required by governing law. Any person violating any provision of this Ordinance is subject to suit for injunctive relief as well as prosecution for criminal violations. Any violation of this Ordinance is hereby declared to be a nuisance. In addition to other available relief, the Village shall be entitled to issue a stop work order on the construction of noncompliant signs.

8.3 Criminal Offenses

- 8.3.1 Each violation of any provision of this Ordinance, including but not limited to the following Subsections of this Ordinance, constitutes a separate criminal offense, punishable by a fine not exceeding five hundred dollars (\$500.00) per offense: Subsections 3.1, 3.3, 3.4, 3.5, 3.6, 3.7, 3.8, 3.9.1, 3.9.2, 3.9.3, 3.9.4, 3.9.5, 3.9.6, 3.9.7, 3.9.8, 3.9.9, 3.9.10, 3.9.11, 3.9.12, 3.9.13, 3.10.1, 3.10.2, 3.10.3, 3.10.4, 3.10.5, 3.10.6, 3.10.7, 3.10.8, 3.10.9, 3.10.10, 3.10.11, 3.11, 3.13, 4.2.1, 4.2.2, 4.3.2, 6.3.1, 7.2, 7.3, 7.4, and 7.5.
- 8.3.2 Each day that a responsible party violates a provision of this Ordinance by maintaining a sign contrary to this Ordinance shall constitute a separate offense. An offense under this Ordinance is a Class C misdemeanor.
- 8.3.3 The culpable mental state required for conviction for a violation of this Ordinance shall be knowingly.

8.4 Civil Remedies

Nothing in this Ordinance shall be construed as a waiver of the Village's right to bring a civil action to enforce the provisions of this Ordinance and to seek remedies as allowed by law, including, but not limited to the following:

- 8.4.1 Injunctive relief to prevent specific conduct that violates the Ordinance or to require specific conduct that is necessary for compliance with the Chapter, including removal of signs that violate this Chapter at the expense of the responsible party; and
- 8.4.2 A civil penalty up to one thousand dollars (\$1,000.00) a day when it is shown that the defendant was actually notified of the provisions of the Ordinance and after receiving notice committed acts in violation of the Ordinance or failed to take action necessary for compliance with the Ordinance; and other available relief at equity or law.

8.5 Removal

Any sign violating this Ordinance must be removed or brought into compliance within thirty (30) days of receipt of written notice from the Village. If the responsible party fails to remove or alter the structure so as to comply with the standards set forth in this Ordinance within thirty (30) days after such notice, the Village may undertake such removal or alteration as is necessary to bring the structure into compliance and assess the costs to the responsible party. The Village may cause any sign or other sign structure which presents an immediate peril to persons or property to be removed or altered immediately and without notice, and without compensation to the sign owner.

8.6 Impoundment

- 8.6.1 The Sign Administrator shall have the authority to remove all signs, without notice to the owners thereof, placed within any street or highway right-of-way; attached to trees, telephone and utility poles, other natural features; or banners that do not have the permit affixed as required by this Ordinance.

- 8.6.2 The Sign Administrator shall have the authority to impound such confiscated signs for a period of five (5) business days.
- 8.6.3 The owner of a sign impounded by the Village may recover same upon payment of an impoundment fee for each sign, as established by the Village Commission. Payment of the impoundment fee must be rendered to the Village prior to the expiration of the five (5) business days impoundment period. Upon expiration of the impoundment period, the Sign Administrator shall have authority to dispose of such sign at the Administrator's discretion.

8.7 Administrative Guidance

The Village is authorized to promulgate one or more interpretive documents to aid in the administration of, and compliance with, this Section. Such interpretive documents shall be educational only and shall not constitute regulations, amendments, or exceptions.

SECTION 9. NO WAIVER

Liability

The provisions of this Ordinance shall not be construed as relieving or limiting in any way the responsibility or liability of any person that erects or owns any sign, from personal injury or property damage resulting from the placing of the sign, or resulting from the negligence or willful acts of such person in the design, construction, maintenance, repair or removal of any sign erected in accordance with a permit issued under the provisions of this Ordinance. Nor shall it be construed as imposing upon the Village or its officers, employees or agents any responsibility or liability by reason of the approval of any signs, materials, or devices under these provisions.