

## Chapter 82 - SIGNS

### FOOTNOTE(S):

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**Cross reference**— Buildings and building regulations, ch. 18; environment, ch. 46. [\(Back\)](#)

**State Law reference**— Regulation of signs, V.T.C.A., Local Government Code § 216.001 et seq. [\(Back\)](#)

### ARTICLE I. - IN GENERAL

#### Sec. 82-1. - Definitions.

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

*Advertising bench* means any bench providing seating to the general public without charge, which may bear advertising. Advertising benches are not regulated by this chapter.

*Bill* means an advertising poster or a handbill.

*Billboard operator* means any person licensed by the city to install, erect, service, maintain, alter, repair or demolish billboards.

*Commercial sign operator* means any person licensed by the city to install, erect, service, maintain, alter, repair or demolish commercial signs.

*Cultural facilities* means establishments such as museums, art galleries, public libraries and community centers, botanical and zoological gardens and theaters for performing arts which, although they may charge an admission fee, are essentially nonprofit and are principally funded through public expenditures, foundation grants and donations.

*Developer, residential*, means one who is engaged in the business of assembling, preparing and promoting land for residential real estate development. A developer may or may not actually be involved in residential construction, i.e., homebuilding.

*Electronic sign (a.k.a. changeable electronic variable message sign)* means a sign whose message, content, or display may be changed by means of electronic, computerized programming and which consists of lights, light emitting diodes ("LED"), or other form of illumination that display a message or picture.

*Embellishments* means any feature such as a cutout, neon or plastic letters, clock, electric device and space extension which is added to an outdoor advertising structure.

*Fireproof structure* means a sign constructed entirely of steel members, including structural support for the sign face. The sign face and its support members may be constructed of wooden or metal panels.

*Historic area* means a district or zone designated by the city council or a unit of the state or federal government, within which the buildings, structures, appurtenances and places are of basic and vital importance because of their association with history or because of their unique architectural style and scale. An historic area may also be a part of or related to a square, park or other area, the design of which should be preserved and developed according to a fixed plan based on cultural, historical or architectural motives or purposes.

*Historical building* means any building or structure which is officially designed as historically or architecturally significant by a unit of local, state or federal government.

*May* implies permissiveness and connotes a nonmandatory action.

*Monument sign* means a freestanding sign with no more than two sign faces that has a base mounted directly on the ground or has a maximum of 12 inches of clearance from the adjacent grade. Monument signs shall not exceed an area of 75 square feet and a height of seven feet.

*Neighborhood* means a distinct segment of the community, usually consisting of essentially similar housing stock, whose boundaries are defined by physical barriers such as major arterial streets and railroads and natural features such as creeks and rivers.

*Outputs* is an industry term referring to reproductions of that portion of the graphic elements of a billboard which project beyond the normal limits of the advertising face to dramatize the copy and the advertising message.

*Park* means a publicly owned tract of land designated and used by the public for active and passive recreation.

*Practical experience* means performing work with but not limited to the following: hand tools and equipment, welding equipment, hole diggers, cranes and other equipment used in the installation and the construction of signs.

*Shall* connotes a mandatory action.

*Sign* means any object, device, display or structure or part thereof situated outdoors or indoors, which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event or location by any means, including words, letters, figures, designs, symbols, fixtures, colors, illumination or projected images. The enumeration of signs in this definition shall not be considered to be exclusive. The term "sign" includes all other devices or structures as may reasonably be included under it, whether attached or unattached. This definition excludes all national or state flags, nonelectric window displays, graffiti, athletic scoreboards and the official announcements or signs of government. Types of signs include the following:

*Animated or moving sign* means any sign or part of a sign which changes physical position by any movement or rotation or which gives the visual impression of such movement or rotation.

*Awning, canopy or marquee sign* means a sign that is mounted or painted on or attached to an awning, canopy or marquee that is otherwise permitted by ordinance.

*Back-to-back sign* means a structure containing two parallel signs whose faces are oriented in opposite directions and are spaced no more than ten feet apart.

*Billboard sign* means any outdoor sign, description, device, figure, painting, drawing, message, placard, poster, structure or thing, which directs the attention of the public to a business, entity, commodity, service or entertainment conducted, sold or offered at a location other than the premises on which the sign is located.

*Commercial sign* means a sign which directs attention to a business, product, service or activity which is conducted upon the premises where such sign is located.

*Electric sign* means any sign on which letters, figures, designs or messages are formed or outlined by electric illumination or by a transparent or translucent medium which is electrically illuminated, whether the illuminating device is contained within or on the sign, all outside building outlining and interim decorative displays and gas tube window outlining. Signs illuminated by electric lights which are not attached to the sign and signs which are lighted by floodlights or projectors are not classified as electric signs within the meaning of this chapter. Any portable sign that has electrical components attached, connected to or part of the sign or support, whether electrified or not, shall be considered an electric sign and all sections of this chapter pertaining to electric signs shall apply.

*Flashing sign* means any directly or indirectly illuminated sign which exhibits changing natural or artificial light or color effects by any means whatsoever.

*Governmental sign* means a sign erected and maintained pursuant to and in discharge of any governmental functions or required by law, ordinance or other governmental regulation.

*Nonconforming sign* means a sign which was lawful prior to the adoption on December 17, 1985, or revision or amendment of this chapter, but which fails, because of such adoption, revision or amendment, to conform to this chapter.

*Overhanging sign* means a sign which is suspended over a sidewalk, street or other public right-of-way. An overhanging sign may or may not be a projecting sign.

*Pole sign* means a sign that is mounted on a freestanding pole or other support.

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

*Portable sign* means any sign designed or constructed to be easily moved from one location to another, including a sign mounted upon or designed to be mounted on a trailer, wheeled carrier or other nonmotorized mobile structure. A portable sign which has its wheels removed shall still be considered a portable sign. The term "nonelectric portable sign" means any portable sign which does not have electrical components.

*Projecting sign* means a sign that is wholly or partly dependent upon a building for support and which projects more than 12 inches from such building.

*Real estate sign* means a sign pertaining to the sale or lease of the premises or a portion of the premises on which the sign is located.

*Roof sign* means a sign that is mounted on and is wholly supported by the roof of a building and which projects above the point of a building with a flat roof; the eave line of a building with a gambrel, gable or hip roof; or the deck of a building with a mansard roof.

*Temporary sign* means any noncommercial, not-for-private-profit sign, the use of which is limited to a period of 60 consecutive days, and which meets the requirements set forth in section 82-97. Signs utilized for a longer period must conform to all requirements set forth by this chapter for permanent signs.

*V-type sign* means a structure composed of two signs with the faces oriented in opposing directions and in the shape of the letter V; provided, however, that only one face can be viewed from any one direction.

*Wall sign* means a sign fastened to or painted on the wall of a building or structure in such a manner that the wall becomes the supporting structure for or forms the background surface of the sign and which does not project more than 12 inches from such building or structure.

*Sign area* means the entire advertising area of a sign, excluding any framing, trim or molding and the supporting structure.

*Sign face* means the area or display surface used for the message.

(Code 1964, § 21<sup>3</sup>/<sub>4</sub>-2; Ord. No. 08-15, § 1, 4-15-08; Ord. No. 10-89, § 1, 12-7-10)

**Cross reference**— Definitions and rules of construction generally, § 1-2.

Sec. 82-2. - Purpose.

It is the purpose of this chapter to:

- (a) Protect the public health, safety and welfare by setting standards for:
  - (1) The construction and erection of billboards and other types of signs;
  - (2) Ensuring the safe construction, electrical connections and safety of all signs covered under this chapter;
  - (3) Carrying or transporting signs over public thoroughfares;

- (4) Ascertaining that all billboard and commercial sign operators are properly licensed, insured and bonded.
- (b) Enhance the aesthetics and attractiveness of the city for its citizens and visitors by:
  - (1) Establishing standards for the spacing of billboards, maximum sign facings and maximum billboard heights;
  - (2) Relating billboards to the approved major thoroughfare plan; and
  - (3) Protecting the historical integrity and beauty of historic districts and protecting said districts and the ambiance of municipal parks from further intrusion of billboards.
- (c) This chapter shall be applicable to the entire area within the corporate city limits of the city and, with respect to billboard signs, this chapter is applicable to all areas within the extraterritorial limits of the city.

(Code 1964, § 21<sup>3</sup>/<sub>4</sub>-1; Ord. No. 00-61, 7-18-00; Ord. No. 2012-28, § 1, 6-19-12)

Sec. 82-3. - Posting signs and bills on public property.

No person shall affix a sign or bill by any means whatsoever to any public building, property or thing belonging to the city or to any other public entity without the approval of that authority. This section shall extend also to posting bills within city parks or to trees on public rights-of-way. However, this section shall not be construed to prevent any public official from posting a governmental sign or bill for a public purpose.

(Code 1964, § 21<sup>3</sup>/<sub>4</sub>-3)

Sec. 82-4. - Posting signs and bills on private premises.

No person shall affix a sign or bill by any means whatsoever to any private property without having first obtained the written permission of the owner or agent.

(Code 1964, § 21<sup>3</sup>/<sub>4</sub>-4)

Sec. 82-5. - Signs constituting a nuisance; abatement.

- (a) Any sign erected, altered, used or maintained in violation of this chapter shall constitute a public nuisance.
- (b) If the owner or operator fails to remove a sign within three days after being notified in writing, it may be removed by the city at the expense of the owner or the person erecting, using or maintaining it. Any sign so removed shall be stored or impounded and shall not be returned to the owner until all applicable charges are paid. If any sign remains unclaimed for a period of 30 days after its removal or if the removal and storage costs are not paid within the 30-day period, the city may destroy, sell or otherwise dispose of the sign.

(Code 1964, § 21<sup>3</sup>/<sub>4</sub>-8)

Sec. 82-6. - Violations.

Any person violating this chapter shall be subject to the penalties set forth in section 1-14.

(Code 1964, § 21<sup>3</sup>/<sub>4</sub>-9)

Sec. 82-7. - Inspections.

Inspections must be called for as needed on sign construction. Pole signs or other signs requiring a foundation shall have a foundation inspection prior to placing concrete. All signs are required to have final inspections.

(Code 1964, § 21<sup>3</sup>/<sub>4</sub>-7)

Sec. 82-8. - Bond recovery and disposition.

The building official shall report each violation of this chapter to the city attorney who shall immediately make demand on the surety bond holder and his sureties for the amount of liability for each offense. Should the bond holder default, the city attorney, acting in accordance with a duly passed ordinance by the city, shall file suit upon the bond for recovery of any amount due the city. All sums of money collected under this section shall be deposited in the general fund of the city.

(Code 1964, § 21<sup>3</sup>/<sub>4</sub>-24)

Secs. 82-9—82-30. - Reserved.

## ARTICLE II. - LICENSE

Sec. 82-31. - Required; fee.

Every person engaging in erecting, installing, onsite painting, servicing or maintaining commercial signs or engaged in erecting, installing, servicing or maintaining billboards or any other off-premises advertising sign shall be licensed as a sign operator by the city and shall pay the license fee or license renewal fee as established by the city council and set forth in appendix C to this Code.

(Code 1964, §§ 21<sup>3</sup>/<sub>4</sub>-17, 21<sup>3</sup>/<sub>4</sub>-18)

### **Cross reference—** Businesses, ch. 22.

Sec. 82-32. - Prompt renewal at reduced fee.

The holder of a sign operator's license may renew his license within 30 days of the renewal date for the fee as established by the city council and set forth in appendix C to this Code. After 30 days, the licensee will be subject to the full licensing fee.

(Code 1964, § 21<sup>3</sup>/<sub>4</sub>-22)

Sec. 82-33. - Qualifications.

Prior to receiving a sign operator's license, each applicant shall submit to the city an affidavit, duly sworn, setting forth his experience to work on commercial signs or billboards.

(Code 1964, § 21<sup>3</sup>/<sub>4</sub>-19)

Sec. 82-34. - Term; right of renewal.

All licenses under this article shall continue in full force for a period of one year from the date of issuance and may be renewed annually thereafter, unless the license has been suspended for cause.

(Code 1964, § 21<sup>3</sup>/<sub>4</sub>-21)

Sec. 82-35. - Insurance and indemnification.

Any person holding a billboard or commercial sign operator's license shall agree to indemnify and hold harmless the city, its members, agents, officers and employees, their successors and assigns, individually or collectively, from and against all liability for any fines, claims, suits, demands, action or causes of action of any kind and nature, including but not limited to personal injury or death and property damage, in any way arising out of or resulting from any activity or operation of the licensee. This indemnification shall include the issuance of the billboard operator's or commercial sign operator's license. The license holder shall pay all expenses incurred in defending against any such claims made

against the city; provided, however, the license holder shall not be liable for any injury, damage or loss caused by the sole negligence or willful misconduct of the city, its agents or employees. The licensee and the city shall give prompt and timely notice of any claim made or suit instituted which in any way affects or might affect either party.

(Code 1964, § 21<sup>3</sup>/<sub>4</sub>-25)

Sec. 82-36. - Transferability.

No license covered by this article shall be transferable.

(Code 1964, § 21<sup>3</sup>/<sub>4</sub>-26)

Sec. 82-37. - Unlawful use of license.

No person holding a license under this article shall allow his name to be used by any other party for the purposes of doing work or obtaining a permit. Violations of this section shall result in revocation of the license, and the holder shall be subject to all other penalties as established in this Code.

(Code 1964, § 21<sup>3</sup>/<sub>4</sub>-27)

Sec. 82-38. - Revocation and suspension.

- (a) *Grounds.* Under this article, the city council shall have the authority to suspend or revoke the certificate of license of any person who is found guilty of:
- (1) Any fraud or deceit in obtaining such license.
  - (2) Securing sign permits in his name as a person authorized by law to do sign work and thereafter transferring the permit to another party without retaining responsibility for maintenance and operation of the permitted billboard or sign.
  - (3) Gross negligence, incompetency or misconduct in the performance of sign work which is addressed under this chapter.
  - (4) Violating any section of this chapter relating to the manufacture, installation, maintenance, demolition or repair of any sign.
- (b) *Hearing.* In determining the validity of such charges, the city council shall proceed upon the sworn information furnished by any person who is of sound mind and legal age. The council, whenever it deems the information sufficient to support further action on its part, shall convene a hearing to investigate the charges further. A copy of the council's order convening the hearing shall be provided the accused, by registered mail, not less than 15 days prior to the date of the hearing. The accused may appear in person or be represented by counsel or both and present his defense to the council. The city attorney shall provide counsel to the council. If the accused fails or refuses to appear, the council may proceed to hear and determine the charge in his absence. If the accused pleads guilty or if the council, by a vote of five or more of its members, finds the charges to be true, the accused's license shall be suspended or revoked by the council. The hearing before the city council provides the accused license holder due process with which to resolve the issue.
- (c) *Record.* When the council has completed its hearing, it shall file a record of its finding and decision with the city secretary and forward a certificate copy of the finding and decision to the accused.
- (d) *Length of suspension.* If the council determines to suspend a license, it shall make a determination on the length of that suspension. In no case, however, may a suspension period exceed 180 days or be less than 30 days.
- (e) *Reapplication.* If a license is revoked, the former license holder may not reapply for a license for a period of one year.

- (f) *Operating while suspended or revoked.* It shall be unlawful for any person whose license has been suspended or revoked by the council to engage in or do sign work for which a permit is required under this chapter.

(Code 1964, § 21<sup>3</sup>/<sub>4</sub>-28)

Sec. 82-39. - Contractor's license and bond.

It shall be unlawful for any sign contractor to do or have done any construction or repair of any sign or billboard for which a permit is required without first obtaining a license to do so from the city. The initial license fee shall be established by the city council and payable to the city as specified in appendix C to this Code, with succeeding annual renewals as specified in appendix C to this Code payable on the anniversary date of the initial application. Renewal fees must be received no later than 30 days after the expiration date shown on the license. After this time the license will become void. It shall be the further duty of such person to give a good and sufficient bond, payable to the city, in the sum of \$5,000.00, to be approved by the building official, conditioned to conform to this chapter and other ordinances of the city council in reference to signs or billboards. The bond shall run concurrently with the contractor's license. If a person's bond is expired, he has 30 days to renew this bond; if not, the contractor's license shall be cancelled.

(Code 1964, §§ 21<sup>3</sup>/<sub>4</sub>-18, 21<sup>3</sup>/<sub>4</sub>-20)

**Cross reference**— Businesses, ch. 22.

Secs. 82-40—82-60. - Reserved.

ARTICLE III. - PERMIT

Sec. 82-61. - Required.

Unless specifically exempted, it shall be unlawful for any person to erect or substantially alter any billboard or commercial sign without obtaining the proper permit from the building official. The term "substantially alter" shall not include routine painting, posting or maintenance of a billboard.

(Code 1964, § 21<sup>3</sup>/<sub>4</sub>-70)

Sec. 82-62. - Exceptions.

Exceptions to the permit required by this article are the following:

- (1) Signs not exceeding one square foot of facing attached to a residence or apartment building, stating only the name and occupation, if applicable, of the occupant.
- (2) Signs not exceeding 15 square feet of facing composed of durable material, situated wholly upon private property and securely affixed to a building, fence, wall or other permanent structure and having a frame or trim not more than three inches wide. This subsection shall not apply to any signs erected in an downtown historic district.
- (3) Real estate signs not exceeding 32 square feet used solely to advertise the sale of the premises upon which the sign is located, or
  - a. Off-premises real estate or home building signage not exceeding four square feet and four feet in height is allowed between the hours of 12:00 p.m. Friday and 12:00 p.m. Monday, with the approval of the property owner on whose land the signs are located.
  - b. A total of four signs per property being marketed are allowed.

- c. Off-premises real estate or home building signs must be removed by the real estate company or builder no later than 8:00 a.m. on Monday.
- d. No off-premises real estate signs shall be placed in state or local rights-of-way.

(4) Governmental signs.

(5) Temporary signs, other than cloth banner signs, not exceeding 48 square feet.

(Code 1964, § 21¾-71; Ord. No. 05-33, § 1(d), 7-5-05; Ord. No. 2011-38, § 1, 7-19-11)

Sec. 82-63. - Application.

(a) Application for sign permits shall be made upon forms provided by the building official.

(b) The application for commercial and billboard sign permits will contain all information, drawings, specifications, etc., necessary to fully advise the building official of the type, size, shape, location, construction and materials of the proposed sign and the building structure or premises upon which it is to be placed.

(c) When applying for a billboard permit, the billboard operator shall, in addition to subsections (a) and (b) of this section, furnish the following information at the time of permit application:

- (1) The location of the proposed sign in relation to the property lines and any building, fence, etc., on the property.
- (2) Building setback lines and the location of any easements on the property.
- (3) Distance to the nearest billboard.
- (4) Affidavit from the property owner authorizing erection of the sign or an executed lease agreement.
- (5) Street address of the sign.
- (6) Engineer's certification.

(Code 1964, § 21¾-72)

Sec. 82-64. - Fees.

(a) *Schedule of permit fees.* Fees for the permit and inspections required by this article shall be collected by the city at the time of issuing the permit. The permit and inspection fees shall be as established by the city council and set forth in appendix C to this Code.

(b) *Plan checking fees.* A plan checking fee shall be collected by the city at the time the permit application is submitted. The plan checking fee shall be equal to one-half of the sign permit fee as set forth in appendix C. The plan checking fee is in addition to the sign permit fee.

(c) *Reinspection fee.* For all reinspections an additional charge as established by the city council and set forth in appendix C to this Code shall be made and this fee shall be paid to the city by the applicant at the time of making application for the extra inspection.

(d) *Penalties.* Where work for which a permit is required by this article is started or proceeded prior to obtaining the permit, the fees specified shall be doubled, but the payment of such double fee shall not relieve any person from fully complying with this chapter in the execution of the work nor from any other penalties prescribed in this Code.

(Code 1964, § 21¾-73; Ord. No. 07-64, § 1, 7-17-07)

Sec. 82-65. - License required.

(a) Only those persons who are properly licensed by the building official shall receive a permit to erect or alter any commercial sign or billboard.

- (b) Permits for the installation, erection or alteration of an electric sign shall be issued only subject to agreement that all electrical connections will be performed by a master electrician in accordance with this Code.

(Code 1964, § 21<sup>3</sup>/<sub>4</sub>-74)

Sec. 82-66. - Surety bond.

- (a) Before a person holding a commercial sign operator's license shall be issued a sign operator's permit, he must have first posted a surety bond in the amount of \$5,000.00. The licensee agrees that a surety bond will be provided annually to the city no later than 30 days prior to the expiration of the surety bond currently in force.
- (b) The surety bond shall ensure the full and faithful performance by the licensee of all the covenants, terms and conditions of the city building code and stands as security for payment by the license holder of all valid claims by the city.

(Code 1964, § 21<sup>3</sup>/<sub>4</sub>-23)

Sec. 82-67. - Obtaining for another.

It shall be unlawful for anyone licensed under this chapter to obtain a permit on behalf of or for the benefit of any person whose business activities are such that he would need a license to obtain a permit.

(Code 1964, § 21<sup>3</sup>/<sub>4</sub>-75)

Sec. 82-68. - Conditions for issuing.

- (a) No permit for the erection or alteration of any sign over any sidewalk, alley or other public property or on or over any roof or building shall be issued to any person except with the condition that it may be withdrawn for noncompliance at any time, in which case such sign shall be immediately removed by the owner thereof.
- (b) When a billboard permit is issued, the applicant shall be made aware of the stipulation that if, within 180 days of the date the permit is issued, a final inspection of the billboard has not been requested, the permit shall become void. However, one 90-day extension period may be granted if the billboard operator so desires. The request for extension must be made before the 180-day period lapses. If an inspection has not been requested by the end of that extension, the permit becomes invalid. If the operator still desires to place a billboard at the sight in question, he must apply for a new permit and pay all required fees.
- (c) If a license holder supplying his license for a firm or corporation doing business under this chapter severs his connections with that firm or corporation and desires to use his license in connection with another firm or corporation, the latter company must furnish the city with a performance bond and comply with this chapter.
- (d) If a license holder severs his connections with a firm or corporation, that company will be allowed to complete all work for which permits were issued prior to the severance of the license holder, provided an interim bond and insurance are posted with the city. Additionally, sufficient evidence shall be submitted to and approved by the city establishing the ability of the firm to complete the work in the manner prescribed in this chapter.

(Code 1964, § 21<sup>3</sup>/<sub>4</sub>-76)

Sec. 82-69. - Permits issued in violation.

Any permit issued in violation of any section of this chapter shall be absolutely void, and no rights whatever shall be accrued.

(Code 1964, § 21<sup>3</sup>/<sub>4</sub>-77)

Sec. 82-70. - Contents; display.

- (a) Each permit issued under this article shall have a date and serial number.
- (b) Each billboard requiring a permit under this article shall have the name of the license holder clearly displayed on the sign face.
- (c) All billboards erected within the city shall have the permit number affixed to the structure below the sign face. The number must be visible for a distance of 50 feet from the billboard.
- (d) If a licensed billboard operator operates a billboard for a client who does not have a license, the license number and name of the license holder shall be clearly displayed on the structure alongside the billboard permit number. If the owner of the structure changes operators, the name and license number of the new operator shall replace the old operator's number on the billboard structure.

(Code 1964, § 21<sup>3</sup>/<sub>4</sub>-78)

Secs. 82-71—82-90. - Reserved.

#### ARTICLE IV. - CONSTRUCTION AND MAINTENANCE

##### DIVISION 1. - GENERALLY

Sec. 82-91. - Preventing obstructions.

All signs governed by this chapter shall be situated in a manner which does not interfere with or obstruct windows, doors or other means of exit from the building. Further, no signs shall be supported on or attached to any fire escape, door or window casing.

(Code 1964, § 21<sup>3</sup>/<sub>4</sub>-90)

Sec. 82-92. - Creating hazards.

No signs shall be erected on or over public property in a manner which interferes with any fire hydrant, traffic light, fire alarm box or streetlight. Similarly, billboards and commercial signs shall not be erected in any location where, because of traffic conditions, fire or explosion hazards, the sign would imperil public safety or hamper the functions of the fire department as determined by the building official and fire marshal.

(Code 1964, § 21<sup>3</sup>/<sub>4</sub>-91)

Sec. 82-93. - Attachment and wind loads.

All signs shall be securely fastened or anchored to a building wall, structural framing or other foundation with a sufficient number of bolts or anchors to resist the stress resulting from the dead weight of the sign and wind loads. Both commercial signs and billboards shall be constructed to resist a minimal horizontal wind load of 30 pounds per square foot of service area. The use of staples, wires and wood plugs in erecting signs is prohibited.

(Code 1964, § 21<sup>3</sup>/<sub>4</sub>-92)

Sec. 82-94. - Materials; supports.

All signs governed by this chapter, excluding electrical signs, shall be constructed of durable materials and securely attached to framework and supports made of wood, metal or other similar material of equivalent strength. Commercial signs may be made of pressed wood. All electrical signs shall have metal supports and frames.

(Code 1964, § 21<sup>3</sup>/<sub>4</sub>-93)

Sec. 82-95. - Electrical wiring.

Electrically illuminated signs or signs which are equipped in any way with electrical devices or appliances shall conform to all electrical provisions and requirements of the electrical code in section 18-46 et seq. The building official shall have the right to check all wiring for code compliance. Further, the outer edge of the sign shall remain at least two feet inside the curblin and shall not begin beyond the distance of three feet from the property line. A minimum space of seven feet shall exist between the lowest portion of any sign overhanging a public sidewalk and the sidewalk grade.

(Code 1964, § 21<sup>3</sup>/<sub>4</sub>-94)

**Cross reference**— Electrical code and standards, § 18-46 et seq.

Sec. 82-96. - Overhanging signs.

All permanent signs shall be erected so as not to overhang any street, alley or plaza. Signs may be hung over a sidewalk and over that space between the curb and sidewalk, provided the space is not used for or designed to be used for vehicular ingress and egress to a building.

(Code 1964, § 21<sup>3</sup>/<sub>4</sub>-95)

Sec. 82-97. - Temporary signs.

- (a) Temporary signs may be constructed of cloth or wallboard, may be framed and shall, with the exception of banner signs, be staked to the ground or securely affixed to a structure. Unframed cloth banner signs may project over a public street subject to approval by the building official. The sign erector shall certify that such sign will not interfere with the public safety. All other temporary signs must be located at least two feet inside private property lines.
- (b) Cloth banner signs projecting over and across street rights-of-way must meet the following:
  - (1) The sign must advertise or promote a noncommercial, not-for-private-profit event, a community charitable drive or a community announcement.
  - (2) No part of the banner sign shall be closer to the street grade than 14½ feet.
  - (3) Standard sign hooks, lag screws or expansion bolts and shields shall be used where required to support the sign.
- (c) Commercial or promotional cloth banner signs, wherever used, shall be in good repair as defined in section 82-108 and shall be permitted under section 82-61 for a maximum of 60 days per banner.

(Code 1964, § 21<sup>3</sup>/<sub>4</sub>-96; Ord. No. 05-16, § 1, 4-19-05)

Sec. 82-98. - Wall signs.

- (a) The frames and panels of all signs which are to be attached to the wall of a building shall be constructed of wood, metal or other durable materials approved by the building official. Standard sign hooks, expansion bolts or through bolts with the washers on the inside of the wall shall be used, depending on the weight and area of the sign and the condition of the wall to which it is to be attached, as required by the building official. Before the sign can be installed, the commercial sign operator or building owner must ensure that the wall, when the sign is affixed to it, will be able to withstand a wind pressure load of at least 30 pounds per square foot.
- (b) Nonelectric wall signs may not project more than 12 inches from the face of the building. Electrical wall signs may extend no more than 18 inches from the building face.

(Code 1964, § 21<sup>3</sup>/<sub>4</sub>-97)

Sec. 82-99. - Projecting signs.

Projecting signs may not extend more than nine feet from the property line. Additionally, the outer edge of the sign shall remain at least two feet inside the curblines and shall not begin beyond a distance of three feet from the property line. A clear space of not less than seven feet shall be provided between the bottom of the sign and the sidewalk grade or ground level.

(Code 1964, § 21¾-98)

Sec. 82-100. - Projecting signs installed on a pipe.

If the building is set back from the property line, a projecting sign may be installed on a pipe overhang, provided:

- (1) The pipe may be set inside the property line, unless the line is more than 25 feet away from the street curb. In the latter instance, the pipe may be set at the property side of the sidewalk or if there is no sidewalk no closer than ten feet to the curb. If the pipe is set in an area that can be traversed by vehicles, it must be surrounded by curbing, as specified by the director of public works.
- (2) Projecting signs must comply with the regulation clearances over sidewalks and distances from curblines.
- (3) No wooden poles or timbers shall be used. Only sound, straight steel, galvanized or iron pipes in good condition, free from all major flaws and defects and painted with weatherproof paint, are authorized.
- (4) All pipes must be set at least three feet in the ground and embedded in concrete.
- (5) The crossarms of angle iron for side guys are to be bolted or welded to the pipes in a secure manner, and side guys are to be of galvanized cable.
- (6) The pipe must extend far enough above the top of the sign to provide space for a suitable headlift, which must be galvanized cable.
- (7) All pipes must be of sufficient diameter and strength to properly support the weight of the signs which are to be installed on them as follows:

Weight in pounds	Size in inches
Up to 75	3
From 75 to 250	4
From 250 to 325	5
From 325 to 400	6

- (8) All pipes used for signs weighing in excess of 100 pounds must be of the well-casing type or the equivalent. Lighter weight pipe may be used for signs weighing 100 pounds or less and situated entirely within the property lines. In no case, however, may a sign be supported by a pipe less than three inches in diameter.

(Code 1964, § 21¾-99)

Sec. 82-101. - Pole or pole-mounted signs.

(a) No pole, post or standard used to support any sign or floodlight shall be set in or upon any sidewalk, street or other public property. The construction and design of all pole signs shall conform to section 82-99

(b) Pole-mounted, nonlettered, physical representative signs, including without limitation pole-mounted automobiles, boats or airplanes, are prohibited. No pole- or pylon-mounted sign shall exceed 65 feet in height from ground level to top edge.

(Code 1964, § 21<sup>3</sup>/<sub>4</sub>-100)

Sec. 82-102. - Roof signs.

(a) Roof signs may be used for on-premises advertising only, subject to limitation with regard to downtown historic districts set forth in this article.

(b) A roof sign shall not exceed ten feet in total height above that portion of the roof of the building or structure over which it is erected. All such signs shall be constructed of durable material. Adequate provision shall also be made for grounding all metallic parts of all roof signs as a protection against lightning. No roof sign shall be erected so as to extend over a sidewalk, street or other public property.

(c) No roof sign shall be used as a medium for off-premises advertising.

(Code 1964, § 21<sup>3</sup>/<sub>4</sub>-101; Ord. No. 05-33, § 1(d), 7-5-05)

Sec. 82-103. - Marquee signs.

Marquee signs not more than four feet tall may extend around three sides of the marquee, subject to any restrictions with regard to downtown historic districts set forth in this article.

(Code 1964, § 21<sup>3</sup>/<sub>4</sub>-102; Ord. No. 05-33, § 1(d), 7-5-05)

Sec. 82-104. - Electric signs.

All electric signs must comply with the applicable provisions of this chapter and with section 18-46 et seq. of this Code.

(Code 1964, § 21<sup>3</sup>/<sub>4</sub>-103)

Sec. 82-105. - Signs on natural features.

No sign shall be erected, maintained or painted upon any tree, rock or other natural feature.

(Code 1964, § 21<sup>3</sup>/<sub>4</sub>-104)

Sec. 82-106. - Signs on North Austin Street Corridor District.

(a) This section shall apply to all pole or pole-mounted signs on properties located along that section of North Austin Street extending north from Ireland Street to Kingsbury Street, including the following blocks: 224, 225, 232, 233, 241, 242, 249, 250, 251, 264, 265, 272, 273, 274, 283, 290, the west 200 feet of 281, and the west 375 feet of 291.

(b) No pole or pole-mounted sign shall exceed 15 feet in height to top of sign.

(c) No pole or pole-mounted sign shall exceed 100 square feet in area.

(d) Only one pole or pole-mounted sign shall be permitted per establishment per street frontage.

(Ord. No. 99-06, 2-2-99)

Sec. 82-107. - Signs in corridor overlay districts.

- (a) *Applicability.* This section shall apply to signs located in corridor overlay districts within the City of Seguin city limit.
- (b) *Height limitation.* No pole-mounted or detached sign shall exceed 15 feet in height measured from the adjacent grade to the top of sign. No pole-mounted or detached sign shall exceed 40 feet in height in the IH 10 Corridor Overlay District measured from the adjacent grade to the top of sign.
- (c) *Area requirements.* No pole-mounted or detached sign shall exceed 100 square feet in area.
- (d) *Number allowed.* The number of pole-mounted or detached signs shall be limited to one sign for every 400 feet of street frontage.
- (e) *Multitenant signs.* Multitenant signs (more than one establishment on a single parcel) shall be allowed a maximum sign height of 20 feet measured from the adjacent grade to top of sign except for the IH 10 Corridor Overlay District, in which (b) above shall apply. A maximum sign area of 150 square feet shall apply to multitenant signs.
- (f) *Prohibited signs.* The following signs are prohibited: portable signs, roof signs, flashing or blinking signs, balloons, bunting, banners.
- (g) *[Approval required.]* All signage shall be approved in conjunction with the specific use permit required in overlay districts.

(Ord. No. 10-57, § 1, 8-31-10)

Sec. 82-108. - Maintenance of signs.

All signs shall be kept in a state of good repair. Good repair shall mean the following:

- (a) Copy and print shall be legible.
- (b) Sign face shall be free of tears, rips or other defacements that obscure the copy, lettering or design of the sign.
- (c) The sign frame shall be free of rust, painted if needed, and structurally sound.

(Ord. No. 05-16, § 1, 4-19-05)

Sec. 82-109. - Abandoned signs, signs on vacant property.

- (a) Existing signs which no longer qualify as on-premises advertising must comply with the requirements for billboard signage. If the sign does not comply with the billboard signage requirements, the sign shall be considered abandoned and shall be removed within 90 days following notice to the property owner.
- (b) Signs on vacant or unoccupied property are allowed if in good repair as defined in section 82-108. If the sign does not meet the criteria of section 82-108, it shall be considered abandoned and shall be removed within 90 days following notice to the property owner.

(Ord. No. 05-16, § 1, 4-19-05)

Sec. 82-110. - Electronic signs (a.k.a. changeable electronic variable message signs).

- (a) Electronic signs shall only be located within monument signs as defined in section 82-1 and shall be no larger than 32 square feet.
- (b) Electronic signs located on parcels adjacent to Interstate Highway 10 shall not be required to be contained within a monument sign but shall have a maximum height of 40 feet and a maximum area of 100 square feet.
- (c) The maximum number of electronic signs shall be limited to one per lot.
- (d) The message or picture conveyed by an electronic sign shall not display flashing, blinking, running lights, animation, streaming video, or special effect transitions other than scrolling text.

- (e) With the exception of scrolling text, messages or pictures conveyed shall not change more frequently than once every ten seconds and must occur simultaneous on the entire sign face.
- (f) Electronic signs shall be programmed or equipped so that the intensity of its display shall automatically adjust according to natural ambient light conditions.
- (g) Electronic signs shall be limited to 500 nits after sunset and before sunrise and 7,000 nits after sunrise and before sunset.
- (h) Electronic signs shall not be located within 150 feet of the property line of an existing residence or residentially zoned district.
- (i) All power to an electronic sign shall be supplied via underground carrier, inside approved conduit, and shall be installed in accordance with city electrical requirements.
- (j) An electronic sign and its supporting structure which was lawfully erected prior to the date this chapter was adopted, or was in existence, located, and used on the premises at the time it was annexed into the City of Seguin, is a legal nonconforming electronic sign and may be continued, repaired and maintained in good condition, but may not be otherwise altered.

(Ord. No. 10-89, § 2, 12-7-10)

Secs. 82-111—82-115. - Reserved.

## DIVISION 2. - BILLBOARDS

Sec. 82-116. - Spacing.

- (a) *Interstate highways, toll roads, and expressways.* No billboard shall be erected along an interstate highway, toll road, or expressway system within 2,500 feet of any other billboard.
- (b) *Arterial streets.* Billboards greater than 75 square feet shall not be erected along arterial streets, as designated by the city transportation plan, closer than 500 feet apart. Billboards equal to or less than 75 square feet shall not be permitted closer than 300 feet apart.
- (c) *Orientation to streets or roads.* A billboard will be considered to be along a street or road if its sign face is oriented such that its message can be read by drivers using that road, regardless of how far from the public right-of-way it is physically located.

(Code 1964, § 21<sup>3</sup>/<sub>4</sub>-115; Ord. No. 08-15, § 1, 4-15-08; Ord. No. 2012-28, § 2, 6-19-12)

Sec. 82-117. - Height.

- (a) All billboards erected within the city and the city's extraterritorial jurisdiction shall conform to the following height limitations:
  - (1) *Expressways, interstate highways and toll roads.* 40 feet above ground level.
  - (2) *Arterial streets.* 35 feet above the adjacent street grade.

Roadway designations as set forth in this subsection are based on the city's thoroughfare plan that was adopted as part of the comprehensive master plan.

- (b) The heights listed in subsection (a) of this section are measured from the street grade to the top of the structure.

(Code 1964, § 21<sup>3</sup>/<sub>4</sub>-116; Ord. No. 2012-28, § 3, 6-19-12)

Sec. 82-118. - Setbacks.

- (a) *Generally.* All billboards in excess of 75 square feet of sign face area are to be set back from the following facilities, districts and parks as specified:
  - (1) *Large urban park.* 750-foot radius from the park boundaries.
  - (2) *Publicly owned and operated sports complex.* 500-foot radius from the complex boundary.
  - (3) *Community park.* 300-foot radius from the park boundary.
  - (4) *Neighborhood park.* 200-foot radius from park boundary.
  - (5) *Cultural facilities.* 500-foot radius from the facility boundaries.
  - (6) *Historic building or structure.* 200-foot radius from the building or structure.
  - (7) *Downtown historic district.* 200-foot radius from the district boundary, additionally, no billboard may be erected within any downtown historic district.
  - (8) *Universities and colleges.* Billboards in excess of 75 square feet shall not be permitted on the opposite side of a public street bordering a university or college.
- (b) *Setbacks from property lines.* Billboards which measure 75 square feet or more of sign face area shall be set back a minimum of 30 feet from any property line. Billboards which measure 75 square feet or less of sign face area shall conform to all property lines.
- (c) *Distance from overpass or bridge railings.* All billboards shall be set back a distance of at least 15 feet from the railing of an overpass or bridge on any road, street, highway or expressway.

(Code 1964, § 21¾-117; Ord. No. 05-33, § 1(d), 7-5-05)

Sec. 82-119. - Nonconforming status.

- (a) *Generally.* Any sign or billboard which has been assessed by the building official as being damaged beyond 50 percent of its replacement value must be removed no later than 30 days after notification. After 30 days the owner will be subject to fines up to but not to exceed \$200.00 per day for each day the violation exists after the initial 30-day period following initial violation notification.
- (b) Upon removal or destruction of any nonconforming sign or billboard, except as provided in (c), nonconforming status shall be lost to that site and no new nonconforming sign or structure shall be erected thereon.
- (c) Nonconforming billboards can be replaced if destroyed by force majeure, fire, accident or other means excluding neglect.
- (d) Any nonconforming sign or billboard legally existing as of the effective date of this ordinance [Ord. No. 08-15] is considered legal, nonconforming and may continue as such in accordance with the specifications, regulations and conditions of this ordinance [Ord. No. 08-15].

(Code 1964, § 21¾-118; Ord. No. 08-15, § 1, 4-15-08)

Sec. 82-120. - Maximum size of sign face.

- (a) The maximum size of the sign face, not including skirting, as viewed from one direction for any billboard shall be:
  - (1) Along expressways and interstate state highways, 480 square feet.
  - (2) Along arterials, 200 square feet.
- (b) The square footage requirements specified in subsection (a) of this section pertain to the sign face per se. Embellishments and cutouts may be utilized on billboards, as long as these extensions do not measure more than 20 percent of the allowable square footage on the sign face.

(Code 1964, § 21¾-119; Ord. No. 08-15, § 1, 4-15-08; Ord. No. 2012-28, § 4, 6-19-12)

Sec. 82-121. - Prohibited signs.

Electronic signs, as defined in section 82-1, shall not be used as billboard sign.

(Ord. No. 10-89, § 3, 12-7-10)

**Editor's note—**

Sec. 3 of Ord. No. 10-89, adopted Dec. 7, 2010, amended § 82-121 in its entirety to read as herein set out. Former § 82-121 pertained to animation and derived from the 1964 Code.

Sec. 82-122. - Engineer certifications.

- (a) A drawing, certified by a structural engineer registered in the state, shall be required for each type of billboard which exceeds 200 square feet of sign face and is over 50 feet high. The drawing shall attest that the particular kind of sign will withstand a wind load of 30 pounds per square foot and shall state the depth to which the support structure must be set for the specific type of soil conditions. These drawings shall be kept on file for each operator in the building inspection department.
- (b) If an operator requests a permit for a billboard measuring 200 square feet or less of sign face and which is under 50 feet high, he may utilize an engineer-certified chart in lieu of the drawing referenced in this section. This chart shall specify the pipe diameter for various sizes of signs, as well as the foundation of the signs according to general soil conditions. The chart must be certified by a structural engineer registered in the state. A copy of the chart shall be submitted to the department of building inspection with the permit application. At the time an application for a permit is made, the operator shall note on the application what specific type of soil is prevalent at the site.

(Code 1964, § 21<sup>3</sup>/<sub>4</sub>-121)

Sec. 82-123. - Billboards on public property.

No billboard or any part thereof shall be located on or above any public property or street right-of-way, unless approved by city ordinance.

(Code 1964, § 21<sup>3</sup>/<sub>4</sub>-122)

Sec. 82-124. - Construction.

Every billboard shall satisfy the following construction requirements:

- (1) The billboard shall be firmly and solidly constructed to withstand a wind load of at least 30 pounds per square foot of area.
- (2) An open space of at least seven feet shall be provided between the bottom of the billboard and the ground. If necessary, support bracing for the sign may extend through the open space.
- (3) All billboards exceeding 35 feet in height shall be of fireproof construction.
- (4) Base aprons measuring not less than 24 inches high shall be attached to the bottom of all billboards with sign faces measuring ten feet or more in height and 40 feet or more in width.
- (5) All service platforms shall have a jack or support at each structural upright and shall have a minimum width of 20 inches of worker's walking surface. Service platforms shall be mandatory on all billboards measuring more than 12 feet between ground level and the bottom of the sign face.
- (6) All exposed wood or metal surfaces, including treated but unpainted stringers, platforms, jacks or other supports, excepting galvanized metal, shall be painted, both front and back, upon installation of the billboard.
- (7) Billboards shall be designed and emplaced not to create a traffic hazard near street intersections or railroad crossings. Billboards shall not be positioned in a way which obscures or

physically interferes with a traffic sign, signal device or a driver's view of approaching, merging or intersecting traffic.

- (8) Billboards shall not be illuminated in a manner which interferes with the effectiveness of or obscures an official traffic sign, signal or device nor may the light emitted from any billboard cause glare to or impede the vision of the driver of any motor vehicle.
- (9) There shall be a distance of 14 feet between the ground and the bottom rung of any ladder which is permanently attached to the billboard structure. The 14-foot separation between the bottom rung of the ladder and the ground is necessary to ensure public safety. Accordingly, signs existing on the effective date of the ordinance from which this section derives which do not meet this standard shall not be awarded nonconforming status as set forth in section 82-119. Rather, the sign inspector is authorized to issue citations to any billboard operator whose signs are in violation of this subsection.
- (10) All new or replacement billboard signage shall be constructed of metal, monopole structural supports.

(Code 1964, § 21<sup>3</sup>/<sub>4</sub>-123; Ord. No. 08-15, § 1, 4-15-08)

#### Sec. 82-125. - Maintenance.

All billboards must be kept in good repair. If the lot on which the billboard is located is undeveloped, the area between the billboard and the street or highway to which it is oriented, as well as a 25-foot radius around the support pole, must be kept free of all sign materials, weeds, debris, trash and other refuse.

(Code 1964, § 21<sup>3</sup>/<sub>4</sub>-124)

#### Sec. 82-126. - Zoning requirement.

All billboards shall be permitted in industrial and commercial zoning districts only.

(Ord. No. 08-15, § 1, 4-15-08; Ord. No. 2012-28, § 5, 6-19-12)

#### Sec. 82-127. - SH 46 corridor overlay district.

New billboard signage shall be prohibited on properties along and adjoining the SH 46 corridor overlay district south of the IH 10 right-of-way.

(Ord. No. 08-15, § 1, 4-15-08)

#### Sec. 82-128. - Offense.

- (a) It shall be considered an offense to erect, construct or allow land to be used for billboard use in violation of the requirements and standards of this division.
- (b) An offense under this section does not require any degree of mental culpability.

(Ord. No. 08-15, § 1, 4-15-08)

#### Secs. 82-129—82-135. - Reserved.

### DIVISION 3. - PORTABLE SIGNS

#### Subdivision I. - In General

#### Sec. 82-136. - Definitions.

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

*Premises* means and includes that certain street address where a portable sign is displayed.

(Code 1964, § 21<sup>3</sup>/<sub>4</sub>-135)

**Cross reference**— Definitions and rules of construction generally, § 1-2.

Sec. 82-137. - Inspection, wiring and certification.

All portable electric signs must be inspected by a licensed electrician to ensure proper electrical component connections. The electrician shall place date and license number on the sign at the time of inspection and certification. All portable electric signs must be wired by and certified by a master electrician or must carry the label of a testing company or organization named in the electrical code adopted by reference in section 18-47. Wiring at the premises where the sign is displayed must be by a master electrician.

(Code 1964, § 21<sup>3</sup>/<sub>4</sub>-140)

Sec. 82-138. - Location.

No portable sign, whether electric or nonelectric, shall be placed on any sidewalk, street or other public thoroughfare or public property, but such sign must be located at least 15 feet inside of private property lines.

(Code 1964, § 21<sup>3</sup>/<sub>4</sub>-141)

Sec. 82-139. - Off-premises portable signs.

- (a) *Definition.* As used in this section, the term "off-premises portable sign" means any portable sign which directs attention to a business, product, service or activity other than that which is conducted upon the premises where such sign is located.
- (b) *Restriction.* No off-premises portable sign, whether electric or nonelectric, shall be permitted in the city.

(Code 1964, § 21<sup>3</sup>/<sub>4</sub>-142)

Secs. 82-140—82-150. - Reserved.

Subdivision II. - Permit

Sec. 82-151. - Required.

No portable sign shall be displayed on any premises without a permit for such display from the department of building inspection.

(Code 1964, § 21<sup>3</sup>/<sub>4</sub>-136)

Sec. 82-152. - Application.

The applicant for a permit required under this subdivision shall furnish the following information upon the application for a permit:

- (1) The applicant is licensed under this chapter or is applying for a permit as the owner of the sign for use on his own premises only.

- (2) The portable sign is either electric or nonelectric.
- (3) The premises where the sign is to be located while in use.
- (4) The person utilizing the sign, if the sign is to be leased from a person licensed under this chapter.
- (5) The consecutive number of days for which the permit is requested.

(Code 1964, § 21<sup>3</sup>/<sub>4</sub>-137)

Sec. 82-153. - Issuance of decal.

Upon completion of the application for a permit required by this subdivision, the tender of permit fees and upon investigation and inspection for conformance with this chapter and any other applicable provisions of this Code, a permit decal shall be issued which must be prominently affixed upon the sign while it is in use. The permit decal shall reflect the date of issuance, the period for which it is effective, the owner of the sign and the business address of the sign's owner.

(Code 1964, § 21<sup>3</sup>/<sub>4</sub>-138)

Sec. 82-154. - Grounds for denial.

No permit shall issue for any portable sign if:

- (1) The top of the sign, including decorative trim, is more than eight feet above the ground.
- (2) The sign has built within it or affixed to it any type of rotating beacon electric light.
- (3) The sign includes animation as defined in section 82-121
- (4) The sign utilizes exposed electric bulbs and is found, upon inspection, to be missing one or more bulbs, thus exposing a socket.

(Code 1964, § 21<sup>3</sup>/<sub>4</sub>-139)

Sec. 82-155. - Time limitations.

- (a) No portable sign permit shall be issued for the display of an on-premises portable sign for more than 30 days in a 12-month period.
- (b) Upon expiration of the permit period for any portable sign, either a new permit must be issued, if allowed, the sign removed from the premises within three days or the sign must be brought into compliance with all requirements for permanent signs set forth in this chapter.
- (c) The provisions of this section shall not apply to properties within the downtown historic district.

(Code 1964, § 21<sup>3</sup>/<sub>4</sub>-143; Ord. No. 2011-33, § 1, 7-5-11)

Sec. 82-156. - Offense.

- (a) It shall be considered an offense to erect, construct to allow land to be used for a portable sign in violation of the requirements and standards of this section.

(Ord. No. 2011-33, § 2, 7-5-11)

Secs. 82-157—82-165. - Reserved.

DIVISION 4. - HISTORIC DISTRICT SIGNS

Sec. 82-166. - Generally.

All signs in the downtown historic district shall be designed, constructed and affixed so as to promote and not visually obscure the significant architectural features of the district and its buildings.

(Code 1964, § 21¾-155; Ord. No. 00-61, 7-18-00)

Sec. 82-167. - Special restrictions.

The following special restrictions shall apply in the downtown historic district in the city.

- (1) Exterior neon signs are prohibited.
- (2) No sign shall be displayed from the parapet or roof of any building.
- (3) No sign shall be erected, constructed, placed, attached, located, hand carried or displayed by any means unless the sign relates to or advertises a bona fide business conducted in or on the premises to which the sign adjoins.
- (4) Interior illuminated signs are prohibited on the exterior of a building.
- (5) The light source for exterior illumination shall be a steady light concealed by a hood or other acceptable method of indirect lighting.
- (6) Sandwich signs may be placed outside only when the business is open and must be properly anchored or weighted against the wind. The maximum height of any sandwich sign is 48 inches and a minimum clearance of six feet must be maintained on the sidewalk for pedestrian access. No other portable signs are permitted.
- (7) Awning and canopy signs must be painted or applied flat against the awning or canopy surface, and may not use over 70 percent of the lineal footage of the awning or canopy.
- (8) Permanent signs painted on glass windows shall cover no more than 25 percent of the total glass area of the window upon which they are placed, and may not contain words or characters greater than 12 inches in height. For purposes of this subsection, the area of any such sign shall be calculated as the area of an imaginary square or rectangle that encompasses the entire sign and its graphics.
- (9) Daylight fluorescence pigmented materials or paints are not allowed.
- (10) With the exception of donor plaques, advertising on planters, trash receptacles, park benches or other street amenities is not allowed.
- (11) No sign shall be displayed above the second level of any building.
- (12) No building may have signage on more than two facades.
- (13) Permanent signs shall not be constructed of core-plast or banner material. Existing signs made from core-plast or banner material may remain but cannot be altered or replaced except by signs and materials meeting the requirements of this Code.

(Code 1964, § 21¾-156; Ord. No. 00-61, 7-18-00; Ord. No. 06-38, § 1, 6-20-06; Ord. No. 09-51, § 1, 8-18-09; Ord. No. 2012-01, § 1, 1-3-12)

Sec. 82-168. - Temporary signs.

Signs painted on glass windows, exterior banners and pennant flags, when placed on a building in connection with special events, promotions and holidays, are considered temporary and may be placed for a period not to exceed 30 consecutive days. Any such temporary signs shall be removed within ten days of expiration of the special event, promotion or holiday. Banners may not exceed 30 square feet in area. Temporary signs are excluded from the maximum allowable sign area per building. Temporary real estate signs and those advertising space for lease may exceed the 30-day limit as long as they are maintained in good repair.

(Ord. No. 00-61, 7-18-00; Ord. No. 06-38, § 1, 6-20-06)

Sec. 82-169. - Size and number of signs.

- (1) No building shall have more than two signs per street facade. Buildings with rear public entrances not facing a street may also have one sign oriented to the rear of the building.
- (2) The maximum allowable size of all signs affixed to any one building facade shall be two square feet of sign surface area for each 50 square feet of building facade surface area. Provided, however, that in no event shall the maximum allowable sign area per building exceed 90 square feet, nor may any individual sign have a surface area exceeding 45 square feet. Excluded from the maximum allowable sign area per building are permanent signs painted on glass, sandwich signs, temporary signs, and rear entrance signs where permitted.
- (3) For purposes of this section, each side of a sign hung perpendicular to a building shall be considered separately.

(Ord. No. 00-61, 7-18-00)

Sec. 82-170. - Permits; variance procedure.

- (1) With the exception of real estate signs, temporary signs and permanent signage with an area of eight square feet or less, it shall be unlawful for any person to erect or substantially alter any signage in any historical district without obtaining the proper permit and/or variance. Application for sign permits and variances within any historical district shall be made upon forms provided by the building official. Permit, inspection and variance fees shall be the same as provided for elsewhere in the chapter and appendix C to this Code.
- (2) The city's Main Street director must first approve all sign permits in any historic district. Should the Main Street director refuse approval of a sign permit, the applicant may appeal the decision in writing to the design review committee. Should the design review committee thereafter refuse approval of a sign permit, the applicant may then appeal the decision to the zoning board of adjustments, which shall have the final say in the matter.
- (3) All requests for a variance from the historic sign requirements must be submitted in writing to the Main Street director along with a permit application. If the design review committee refuses to approve the variance, the applicant may thereafter appeal the decision in writing to the zoning board of adjustment, which shall have the final say in the matter.

(Ord. No. 00-61, 7-18-00; Ord. No. 06-38, § 1, 6-20-06)

Sec. 82-171. - Licensed contractor required.

With the exception of sandwich signs, signs with an area of eight feet or less, and temporary signs, all historic district signs must be installed by a licensed contractor in accordance with article II, and section 82-65 of this chapter.

(Ord. No. 00-61, 7-18-00)

Sec. 82-172. - Sign maintenance and removal; nonconformance.

- (1) All signs and all components thereof shall be kept in a good state of repair.
- (2) If a business, service or other enterprise shall cease activity or use of a sign for a period of over 180 days, any signs at said location shall be deemed to be abandoned and the sign owner, business owner or property owner shall remove any sign identifying or advertising said business or activity or any product sold thereby within 30 days of such abandonment. Removal shall mean to remove the face of the sign, paint over the message of the sign in a neat manner, or to otherwise remove in a satisfactory and safe manner the advertising or message contained by said sign.
- (3) The building official or his representative may inspect every new and existing sign of any type at such intervals as may be required by the building official. In the event of a change or alteration in a sign beyond normal maintenance and upkeep, the entire sign must be brought into conformance.

(Ord. No. 00-61, 7-18-00)

Sec. 82-173. - Murals.

All murals painted on the exterior surface of any building facade must first go through the permitting procedure prescribed in section 82-170. Murals must be visually appealing, enhance the architecture of the downtown historic district, and must meet the general requirements of section 82-166.

(Ord. No. 00-61, 7-18-00; Ord. No. 06-38, § 1, 6-20-06)

Sec. 82-174. - Use of electronic signs.

- (a) The components or sections of a monument sign shall not contain an electronic sign.
- (b) An on-premises electronic sign, with a maximum display of six square feet and meeting all other criteria established in section 82-110, may be installed as an inside window display.
- (c) Off-premises electronic signs are not permitted.
- (d) Electronic signs shall only operate during the hours that the business is open to the public, but at other times shall only be operable to denote the business is closed.

(Ord. No. 2012-01, § 2, 1-3-12)