

ORDINANCE NO. 04132006

AN ORDINANCE PROVIDING FOR THE COMPREHENSIVE REGULATIONS OF SIGNS; PROVIDING FOR THE DEFINITIONS; PROVIDING FOR ADMINISTRATION AND ENFORCEMENT; PROVIDING FOR THE ISSUANCE AND REVOCATION OF SIGN PERMITS; PROVIDING FOR THE REMOVAL OF SIGNS; PROVIDING FOR APPEALS AND VARIANCES; PROVIDING FOR LIMITATIONS ON THE LOCATION, SETBACK, HEIGHT, SIZE, LIGHTING AND OTHER REGULATIONS OF SIGNS; PROHIBITING CERTAIN SIGNS; PROVIDING FOR EXEMPT SIGNS; ALLOWING NONCOMMERCIAL COPY ON SIGNS; PROVIDING FOR REGULATIONS OF SIGNS WITHIN THE EXTRATERRITORIAL JURISDICTION OF THE CITY; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY FOR VIOLATIONS HEREOF; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Alvord is a type A general law municipality located in Wise County, created in accordance with the provisions of Chapter 6 of the Local Government Code and operating pursuant to the enabling legislation of the State of Texas; and

WHEREAS, the City Council of the City of Alvord finds that the uncontrolled proliferation of signs is hazardous to users of streets and highways within the City of Alvord and will adversely affect the safety and efficiency of the City's transportation network; and

WHEREAS, the City Council further finds that unless the location, number, setback, lighting and size of signs are regulated, the scattering of such signs throughout the City would be detrimental to the economic base of the City; and

WHEREAS, the City Council has further determined that the proliferation of signs in the City has an adverse effect on adjacent properties; and

WHEREAS, the City Council finds that the orderly and uniform regulation of signs is a substantial factor in guiding the attractive and aesthetic development of properties in accordance with the comprehensive plan and thereby avoiding detrimental impacts of signs on the appearance of the City; and

WHEREAS, the City Council further finds that the regulations adopted herein allow for a reasonable use of signs by businesses, residences and other properties for advertisement, dissemination of protected speech and other purposes; and

WHEREAS, the City Council finds that, in addition to the above findings, the adoption of this ordinance will serve the following purposes;

1. To preserve, protect, and enhance areas of historical, architectural, cultural, aesthetic, and economic value regardless of whether they are natural or man made;
2. To protect adjacent and nearby properties, in particular, residentially zoned properties from the impact of lighting, size, height, movement, and location of signs;
3. To protect the safety and efficiency of the City's transportation network by reducing the confusion or distraction to motorists and enhancing the motorist's ability to see pedestrians, obstacles, other vehicles and traffic signs;
4. To enhance the impression of the City which is conveyed to tourists and visitors by controlling the location, number, and size of signs;
5. To integrate sign regulations more effectively with other regulations by establishing requirements for setbacks, height, and spacing to allow for lighting, ventilation, and preservation of views in a manner consistent with land uses in the various zoning districts;
6. To preserve and enhance the appearance of the City and the public interest in aesthetics, and to control and reduce visual clutter and blight; and
7. To provide institutional entities within the City the ability to communicate public events to the general public.

WHEREAS, the City Council deems it necessary to adopt this ordinance in order to protect the health, safety, and welfare of the general public.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ALVORD, TEXAS:

SECTION 1.

Sec. 1.101 Intent and purpose

Signs use private land near public rights-of-way to inform and persuade the general public by publishing a message. This article provides standards for the erections and maintenance of private signs. All private signs not exempt as provided herein shall be erected and maintained in accordance with those standards. These standards are intended to be the minimum necessary and least burdensome to accomplish the purposes stated in this section. The general objectives of these standards are to promote health, safety, welfare, convenience and enjoyment of the public and, in part, to achieve the following:

- (a) Safety: To promote the safety of persons and property by providing that signs:
- (1) do not create a hazard due to collapse, fire, collision, decay or abandonment;
 - (2) do not obstruct fire fighting or police surveillance; and
 - (3) do not create traffic hazards by confusing or distracting motorist or by impairing the driver's ability to see pedestrians, obstacles, or other vehicles, or to read traffic signs.
- (b) Communications Efficiency: To promote the efficient transfer of information in sign messages by providing that:
- (1) businesses and services may identify themselves;
 - (2) customers and other persons may locate a business or service;
 - (3) no person or group is arbitrarily denied the use of the sight lines from the public rights-of-way; and
 - (4) 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 said messages, according to the observer's purpose.
- (c) Landscape Quality and Preservation: To protect the public welfare and to enhance the appearance and economic value of the cityscape, by providing that signs:
- (1) do not interfere with scenic views;
 - (2) do not create a nuisance to persons using the public rights-of-way;
 - (3) do not create a nuisance to occupy of adjacent and contiguous property by their illumination, size, height or movement; and
 - (4) are not detrimental to land or property values.

Sec. 1.102 Administration

The requirements of this article shall be administered and enforced by the building official of the city or his/her designated representative.

Sec. 1.103 International Building Code; Adopted

(a) Appendix H, International Building Code, 2003 Edition is adopted, with the exception of the following:

(1) Section H101.2.1 and 3, which provide that a permit is not required for a painted, non-illuminated sign or a projecting sign not exceeding 2.5 square feet; and

(2) The height and size limitations of this article shall be controlling; and

(3) Sections H110.3 which is amended to read as follows:

A roof sign shall not be erected to a height greater than four feet from the roof surface. The area of a roof sign shall not exceed the size permitted for attached signs and shall be applied to the maximum size permitted for attached signs.

(4) Subsections H101.21 and 3, Sections H110.4 and H110.5 of Appendix H are hereby repealed.

(b) A copy of the Appendix is attached to the ordinance codified in this article and is incorporated herein by reference. All signs permitted under this article shall be constructed in accordance with the provisions of this article and the International Building Code. In the event of a conflict between this article and the International Building Code, the provisions set forth in this article shall prevail.

Sec. 1.104 Definitions

As used in this article:

Abandoned Sign. Means a sign which:

- (a) For at least 12 continuous months, does not identify or advertise a bona fide business, lessor, service, owner, product or activity on the premises on which the sign is located; or
- (b) If the premises is leased, relates to a tenant and at least two years have elapsed since the date the most recent tenant ceased to operate on the premises.

Awning. Means a structure made of cloth, metal or other material possessing characters, letters, illustrations or ornamentations affixed to a building in such manner that the structure may be raised or retracted to a position against the building.

Banner. Means a sign intended to be hung either with or without a frame, possessing characters, letters, illustrations or ornamentations applied to paper, plastic or fabric of any kind, excluding flags, emblems and insignia of political, professional, religious, educational or corporate organizations.

Billboard. Means an off-premises sign containing at least one hundred twenty-eight square feet face area per face and which is owned by a person, corporation or other entity that engages in the business of selling the advertising space on the sign.

Building Official. Means the building official of the City of Alvord or his/her designated representative.

Business Sign. Means a sign which directs attention to a business, profession, activity, commodity, service or event conducted, sold or offered upon the premises where such sign is located, or within the building to which such sign is affixed.

Canopy. Means a structure other than an awning made of cloth, metal or other material possessing characters, letters, illustrations or ornamentations, with frames affixed to a building and carried by a frame, which is supported by the ground.

Commercial Message. Means a message which refers to the offer for sale or existence for sale of products, property, accommodations, services or attractions or attracts attention to a business or to products, property, accommodations, services, or activities that are offered or exist for hire.

Construction Sign. Means a sign identifying individuals or companies involved in the design or construction, wrecking, financing or development of premises where such sign is placed.

Developed Property. Means a tract of land upon which a structure is located.

Dilapidated or Deteriorated Sign. Means a sign:

(a) where the panel is visibly cracked, or the paint is cracked and peeling, or in the case of wood or similar products, splintered, in such a way as to constitute an unsightly or harmful conditions or renders the sign unsafe; or

(b) where the sign or its elements are twisted or leaning or at angles other than those at which it was originally erected (such as may result from being blown or the failure of a structural support).

Directional Sign. Means a sign providing no advertisement of any kind, which provides direction or instruction to guide persons to facilities, intended to serve the public (restrooms, parking, etc.).

Directory Sign. Means a sign which indicates the names and/or addresses of the occupant(s), the address of the premises, and/or identification of any lawful business or the occupations which may exist at the premises.

Extraterritorial Jurisdiction. Means that unincorporated area that is contiguous to the corporate boundaries of the City of Alvord and that is located within the boundaries identified in Section 42.021 of the Texas Local Government Code.

Flashing Sign. Means an illuminated sign on which the artificial source of light is not maintained stationary or constant in intensity and/or color at any time when such is illuminated.

Gross Surface Area. Means the area enclosed by the smallest imaginary regular shapes that will encompass the extreme limits of the writing representation, emblem or other display, together with any material or color forming an integral part of the display or used to differentiate the sign from the backdrop or structure against which it is placed. "Gross surface area" includes such features as decorative or ornamental elements or features, borders, trims, but not including any supporting structure which is used solely for support of the sign, such as poles, columns and cable, or decorative fence, screening device or wall.

Leaseable Space. Means the front and, if applicable, side walls which enclose a building or a portion thereof, and which abut a public street.

Lot of Record. Means a lot of record, parcel, tract, or area of land established by plat, subdivisions or otherwise permitted by law to be used, developed or built upon a single unit under single ownership or control.

Letter Sign. Means any individual letter or group of letters attached to a building shall constitute a sign. The area of such shall be the smallest area encompassing the word in the form of a square, rectangle, triangle, circle or combination thereof.

Marquee. Means a permanent structure extending from part of the roof or wall of a building but not supported by the ground, and constructed of durable material such as metal, plastic or glass.

Monument Sign. Means a sign permanently affixed to the ground, not elevated to any pole or structure and not attached to or dependant upon building for support.

Noncommercial Message. Means any message that is not a commercial message.

Nonconforming Sign. Means a sign lawfully existing or under construction on the effective date of the ordinance codified in this article which does not conform to one or more of the provisions of this article.

Nonresidential Zoning District. Means any of the following zoning districts identified in the official zoning map of the city: LC Light Commercial, HC Heavy Commercial, I Industrial District, or PD Planned Development District. It shall include any non-residential zoning district.

Normal Maintenance Operations. Means the process of keeping a sign in good repair. Maintenance operations include (1) cleaning; (2) painting; (3) repair of parts with like materials in a manner that does not alter the basic design or structure of the sign, provided that the cost of all repairs performed during any consecutive 365 day period is not more than 60% of the cost of erecting a new sign of the same type at the same location; and (4) replacement of parts with like materials in a manner that does not alter the basic design or structure of the sign, provided that the cost of all replacement of parts performed during any consecutive 365 day period is not more than 60% of the cost of erecting a new sign of the same type at the same location. Example of actions that are not maintenance operations include, without limitation: (1) converting a sign from a multiple pole structure to a monopole structure; (2) replacing wooden components with metal components (3) increasing the area or height of a sign, except for increase in area permitted under subsection (1) above; (4) adding illumination to a non-illuminated sign; (5) adding additional display faces; and (6) converting a sign to utilize animated display or moveable copy technology.

Obscene. In this article means a material or performance defined in Section 43 of the Texas Penal Code, as amended.

Off-Premises Sign. Means a sign that directs attention to a business, profession, activity, commodity, service, or other event other than one conducted, sold, or offered upon the premises where such sign is located or within the building to which the sign is affixed.

Pole Sign. Means a sign supported by one or more structures or supports placed upon the ground and not attached to or dependent for support from any building.

Political Sign. Means a temporary sign which addresses a political issue.

Portable Sign. Means a sign not permanently affixed to the ground, a building; or other structure, which is designed to be moved from place to place.

Premises. Means a single tract or platted lot. In addition, multiple adjoining or platted lots under common ownership will be deemed to be a single premises if they meet the following requirements: (1) lots or tracts are not separated by intervening streets, alleys, utility or railroad rights-of-way or other interruption; (2) the property contains a single primary use; and (3) the property is not used for one- or two-family dwelling purpose. Tracts or platted lots that are at cross corners or that are connected by narrow strips of land too small to serve as emergency access easements shall not be considered to be "adjoining."

Principle Building. Means the main or principle building located upon a single lot; the building in which the principle use of the business is conducted.

Real Estate Sign. Means a sign which is used to offer for sale, lease or rent, the premises or portions of the premises upon which the sign is placed.

Residential Zoning District. Means any R-1, R-2 or MH zoning district or any other residential zoning district identified in the official zoning map of the city.

Sign. Means every sign, name, number, identification, description, and announcement, declaration, demonstration, device, display, flag, banner, pennant, illustration, logo, balloon, streamer, valance, advertising, display, poster, beacon, light or insignia, and structure supporting any of the same, affixed directly or indirectly to or upon any building, window, or outdoor structure or approved sign poles, or erected or maintained upon a piece of land, which directs attention to any object, project, service, place, activity, person, institution, organization, or business.

Subdivision Sign. Means a sign used to identify a particular subdivision.

Temporary Real Estate Directional Sign. Means a temporary off-premises sign used to direct traffic to a residential section or subdivision or location in the city.

Temporary Sign. Means a sign constructed of cloth, canvas, light fabric, cardboard, wallboard, or other like materials, with or without frames, and any type sign not permanently attached to the ground, wall, or building, intended to be displayed for a short period of time only. It does not include a sign constructed of metal or wood.

Undeveloped Property. Means a tract of land upon which no structure is located.

Visibility Triangle. Means an imaginary triangle which has two sides which start at the center point of the intersection of two streets, along the curb line and measuring ten feet in length down each respective street along the nearest edge of the driving surface. The line connecting the end points of these two lines forms the third side of the triangle. See diagram attached to this article as Exhibit A.

Wall Sign. Means a sign attached directly to an exterior wall of a building or dependant upon a building for support with the exposed face of the sign located in a place substantially parallel to such exterior building wall to which the sign is attached or supported by. It includes letters, words, and characters painted or attached directly to the roof. Awning, canopy, marquee and letter signs shall be considered wall sign for purposes of calculating the minimum effective area.

Warning Sign. Means a sign containing no advertising materials and warning the public of the existence of danger.

Window Sign. Means a sign, which is attached to the window and includes window displays if within two feet of the window, but does not include signs attached to windows, which have been altered to prevent all light penetration.

SEC. 1.105 General Provisions

- (a) Permit Required: A person commits an offense if the person erects, constructs or relocates within the city a sign upon any property within the city without first obtaining a permit from the city, except as otherwise provided in this article.
- (b) Permit Application: A person shall file an application with the building official on forms provided by the city. An application for a sign permit shall include a drawing, to scale, of the proposed sign and all existing signs maintained on the premises and visible from the right-of-way, a drawing of the lot plan or building façade indicating the proposed location of the sign(s), and sign specifications.
- (c) Fee Required: Fees for a permit to erect, construct, or relocate a sign shall be established by the city fee schedule.
- (d) Permit Issuance or Denial: The building official shall, within ten working days of the date of receipt of the application, either approve or deny the application or refer the application back to the applicant in any instance where insufficient information has been furnished. The building official shall deny an application if it does not comply with the requirements of this article. A denial and the reasons for the denial shall be noted on the application, and the applicant shall be notified of the denial by notice mailed to the applicant at the address shown on the application or the last known address.
- (e) Maintenance and Repairs: All signs shall be maintained in good structural condition in compliance with all building and electrical codes, and in conformance with this article at all times. No permit shall be required to perform normal maintenance operations or changing of parts or copy of a sign, provided that the maintenance or change of part does not alter the gross surface area, height or otherwise render the sign nonconforming with the requirements of this article.
- (f) Visibility: To assure visibility at all street intersections, no sign shall be lower than ten feet from the ground surface. This applies only to the actual sign itself and does not include the pole to which the sign is mounted. With respect to sign affixed directly to the ground and not elevated by a pole or other method, the sign shall not extend into the visibility triangle as defined in Section 1.104 of this article. A sign placed in the visibility triangle will be allowed as long as it allows an unobstructed view from zero to ten in height from the nearest level of ground.
- (g) Measurement of Sign Area:

- (1) Sign copy mounted or painted on a background panel or area distinctively painted, textured or constructed as a background for a sign copy, shall be measured as the area contained within the outside dimensions of background panel or surface.
- (2) Sign copy mounted as individual letters and/or graphics against a wall, fence, screening device, awning or fascia of a building or other structure that has not been painted, textured or otherwise altered to provide a distinctive background of the sign copy, shall be measured as the area enclosed by each individual word or graphic.
- (3) For three dimensional signs such as spherical, free form, sculptural, or other non-planar signs, the area enclosed by the smallest imaginary regular shape or combination of shapes which would fully contain all portions of the sign when rotated horizontally around the sign shall be measured to determine size.

SEC. 1.106 Prohibited Signs

(a) A person commits an offense if the person:

- (1) Illuminates a sign to intensity to cause glare or brightness to a degree that could constitute a hazard or nuisance. Moving, flashing intermittently lighted, changing color, strobe lights, rotating beacons, revolving or similarly constructed signs are prohibited;
- (2) Display on a sign gestures or words which are obscene as defined in this article;
- (3) Paints a sign, other than a nameplate and address showing street number, to a fence, railing or wall which is not a structural part of the building in or facing a residential zoning district, whether or not on the property line;
- (4) Displays or erects a billboard; or
- (5) Attaches a sign, paper or material, or paint, stencil or write any name or number (except house or street address number) or otherwise marks on any public sidewalk, curb, gutter or street. The city council may grant an exception for special events. City department of public works or public safety are exempt from this subsection.

(b) A person commits an offense if the person attaches, erect or maintains any sign:

- (1) Upon any public utility pole, or structure, or on any tree that is located on public land or in a public right-of-way; or

- (2) Over or in public rights-of-way. No sign shall be erected in the right-of-way except movement control, traffic control devices, street signs or directional signs placed by the city or state.
- (c) A person commits an offense if the person erects or displays a sign in such a manner as to:
 - (1) 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;
 - (2) Obstruct free and clear vision, or at any location whereby reason of position, shape, color, degree, manner or intensity of illumination it may interfere with vehicular or pedestrians traffic;
 - (3) Interfere with, obstruct the view of, or be confused with any authorized traffic control device; or
 - (4) Encroach upon the visibility triangle of any street intersection, except as permitted by Section 1.105(f).
- (d) A person commits an offense if the person makes use of words, phrases, symbols or characters, or employs any lamp or light in such a manner as to interfere with, mislead or confuse traffic.

Sec. 1.107 Vehicular Signs

Vehicular signs shall conform to the following regulations:

- (1) It is unlawful to attach any sign advertising anything other than the name of a special event or company and the service it provides to a trailer, skid, or similar mobile structure or vehicle, where the primary use of said attachment is to provide a base for such sign or constitute the sign itself. This provision does not restrict the identification signs on vehicles used for any bona fide business activity.
- (2) Signs attached to or upon any vehicle shall be prohibited where any such vehicle is allowed to remain parked in the same location, or in the same vicinity, at frequent or extended periods of time, where the intent is apparent to be one of using the vehicle and signs for purposes of advertising an establishment, service or product.
- (3) It shall be prima facie evidence that a sign used is to advertise a product or direct people to a business or activity if the vehicle or trailer is parked in the same location for a continuous period exceeding seventy-two hours.

Sec. 1.108 Political Signs

- (a) A person commits an offense if the person erects or displays a sign which contains primarily a political message more than two (2) weeks before the commencement of early voting for an election or more than ten (10) days after the election and the sign:
- (1) Is more than eight feet in height; or
 - (2) Has an effective area of greater than 36 square feet; or
 - (3) Is illuminated; or
 - (4) Has any moving elements; or
 - (5) Is located within the visibility triangle
- (b) A person who erect or maintains a sign which contains primarily a political message on a temporary basis on a sign generally available for rent or purchase to carry commercial advertising or other messages that are not primarily political shall comply with the regulations applicable to that type of sign.

Sec. 1.109 Pole Signs

- (a) Pole signs are permitted in both residential and nonresidential zoning classifications subject to the following restrictions:
- (1) Pole Signs in Nonresidential Zoning Districts: Pole signs in nonresidential zoning districts are subject to the following restrictions:
 - (A) Each premises or lot shall have no more than one pole sign per street frontage.
 - (B) A pole sign shall not exceed thirty-five feet in height except that pole signs on properties fronting onto State- Highway 287 or FM 1655 shall not exceed fifty feet in height.
 - (C) A pole sign shall not exceed 100 square feet of gross surface area per side.
 - (D) A pole sign may be located next to, but not into the public right-of-way provided that the sign does not create a hazard to traffic or pedestrians. If placed on a corner, the sign shall not be placed in the visibility triangle.

- (E) Premises containing two or more businesses, as permitted by individual certificate of occupancy permits, may have one pole sign which advertises multiple occupants.
- (2) Pole Signs in Residential Zoning Districts: Pole signs shall be allowed in multifamily zoning districts and are subject to the following restrictions:
- (A) Each premises shall have no more than one pole sign.
 - (B) A pole sign shall not exceed thirty-two square feet of gross surface area for each side.
 - (C) A pole sign shall not exceed eight feet in height.
 - (D) A pole sign may be located next to, but not into the public right-of-way provided that the sign does not create a hazard to traffic or pedestrians. If placed on a corner, the sign shall not be placed in the visibility triangle.

Sec. 1.110 Monument Signs

Monument signs are allowed in both residential and nonresidential zoning classifications, subject to the following regulations:

- (1) Monument Sign in Nonresidential Zoning District: Monument signs in nonresidential zoning districts are subject to the following restrictions:
- (A) Each premise shall have no more than one monument sign per street frontage.
 - (B) A monument sign shall not exceed thirty-five square feet of gross surface area for each side.
 - (C) A monument sign shall not exceed eight feet in height, including the base.
 - (D) Monument signs may be located next to, but not into the public right-of-way provided that the sign does not create a hazard to traffic or pedestrians, or if placed on a corner such sign shall not be placed in the visibility triangle.
 - (E) Structures containing two or more businesses, as permitted by individual certificates of occupancy permits, may have one monument sign which advertises multiple occupants.

(2) Monument Signs in Residential Zoning Districts: Monument signs shall be allowed in residential zoning districts classified as multifamily and are subject to the following restriction:

- (A) Each premise shall have no more than one monument sign.
- (B) A monument sign shall not exceed thirty-two square feet of gross surface area per side.
- (C) A monument sign shall not exceed six feet in height, including the base.
- (D) A monument sign may be located next to, but not into the public right-of-way provided that the sign does not create a hazard to traffic or pedestrians, or if placed on a corner such sign shall not be placed in the visibility triangle.

Sec. 1.111 Wall Signs

Wall signs are permitted in both residential and nonresidential zoning districts, subject to the following regulations:

(1) Wall Signs in Nonresidential Zoning Districts: Wall signs are allowed in all nonresidential zoning districts, subject to the following regulations:

- (A) The front and all sides of a building or leasable space abutting a public street shall be measured to determine the amount of wall signage permitted by using the following formula:

Width x Height x Fifteen Percent

(For buildings or leasable space with a wall height of less than twenty feet, measured from ground level to the bottom of the roof line, the following method of measurement shall be used: Width multiplied by Twenty Feet x Fifteen Percent)

- (B) For multi-occupant structures, only the area of leasable space shall be used to determine maximum allowable signage.
- (C) All wall signs and sign copy shall be mounted parallel to the building surface to which they are attached, and shall project no more than eighteen inches from the building surface.
- (E) Signs attached to fences shall be calculated as part of the maximum amount of wall signage and shall be in conformance with the requirements of this article.

- (2) Wall Signs in Residential Zoning Districts: Wall signs shall be allowed in residential zoning districts classified as multifamily, subject to the following restrictions:

- (A) A wall sign is permitted for building identification only, i.e., address or building numbers.
- (B) A maximum of two signs per building are permitted.
- (C) All signs and sign copy shall be mounted parallel to the building surface to which they are attached. Signs shall not be mounted on roofs and shall not project above the roof.
- (D) No sign copy shall exceed twenty-four inches in height.

Sec. 1.112 Awning, Canopy, Marquee and Letter Signs

- (a) Awning, canopy, marquee and letter signs are permitted in nonresidential zoning districts, provided that awning, canopy, marquee and letter signs are calculated as part of the maximum wall signage.
- (b) Nothing in this article shall be construed to allow additional wall signage other than that allowed in this article.

Sec. 1.113 Temporary and Portable Signs

- (a) Temporary signs are permitted in all zoning districts, subject to the following restrictions:
 - (1) Temporary signs in residential zoning districts classified as multifamily shall be erected for a period not to exceed thirty days per calendar year.
 - (2) Temporary signs in nonresidential zoning districts shall be erected for a period not to exceed sixty days. The temporary sign shall be removed in its entirety for a minimum of sixty days prior to the issuance of a new permit.
 - (3) Temporary signs shall not exceed 36 square feet per sign face.
 - (4) The maximum permitted height of a temporary sign is six feet.
 - (5) A temporary sign shall not be erected unless a permit is obtained for the sign unless a permit is not required by Section 1.105 or 1.119
 - (6) A temporary sign shall not be illuminated or have any moving elements.

- (7) A temporary sign may be located next to, but not into the public right-of-way provided the sign does not create a hazard to traffic or pedestrians, or if placed on a corner such shall not be in the visibility triangle.
- (b) Portable signs are permitted in nonresidential zoning districts and are subject to the following regulations:
 - (1) A person may display a portable sign for a business for a continuous period of six months, beginning the date that the new business receives a certificate of occupancy from the city.
 - (2) Thereafter a person may erect and display a portable sign for a period of up to thirty days. The portable sign shall be removed for not less than thirty days prior to the issuance of another permit. Permit fees shall be in accordance with the City of Alvord Fee Schedule.
 - (3) Portable signs must be removed within three days of termination of the activity, service, product or sale, which is advertised on the sign.
 - (4) A temporary sign may be located next to, but not into the public right-of-way provided the sign does not create a hazard to traffic or pedestrians, or placed if placed on a corner such sign shall not be placed in the triangle.
 - (c) A portable sign shall not be permitted on property located within an R-1 or R-2 Zoning Districts.
 - (d) A person commits an offense if the person erects or maintains a portable sign within the visibility triangle.

Sec. 1.114 Construction Signs

Construction signs are permitted in all zoning districts, and within the City's extraterritorial jurisdictions, subject to the following restrictions:

- (1) One temporary on premises construction sign for each contractor, lender, architect, engineer, or to advertise the arrival of a new residential development on the premises to which the sign pertains is allowed.
- (2) Such sign shall not be erected prior to the issuance of a building or development permit of the project to which the sign pertains and must be removed at the time of final approval of the construction or development by the building official.
- (3) Such signage shall not exceed twelve square feet per side or exceed six feet in height.

- (4) Two temporary off-premises construction signs are permitted for residential subdivisions. Developers may erect one temporary off-premises construction sign until eighty percent of the lots in the advertised subdivision are built. The second off-premises construction sign may remain up to one year after the subdivision has been accepted by the city or until eighty percent of the lots in the advertised subdivision are built, whichever comes first. Off-premises signs shall not exceed thirty-five feet in height. The gross surface area shall exceed thirty-two square feet for each side.

Sec. 1.115 Subdivision Signs

- (a) Signs identifying a residentially zoned subdivision are permitted in the City and in the City's extraterritorial jurisdiction, subject to the following restrictions:
 - (1) Subdivision signs shall be monument signs; and
 - (2) Shall not exceed;
 - (A) thirty-two square feet for each face; and
 - (B) six feet in height
- (b) One subdivision sign shall be permitted for each entrance to the subdivision.
- (c) A subdivision sign shall not be erected or maintained within the visibility triangle.

Sec. 1.116 Real Estate Signs

Real estate signs, other than signs prohibited by Section 1.106, are permitted in all zoning districts, and in the City's extraterritorial jurisdiction, subject to the following restrictions:

- (1) Developed Property:
 - (A) One real estate sign is permitted on each street frontage.
 - (B) No off-premises real estate signs are permitted in residentially zoned developed subdivisions.
 - (C) The total gross surface area of each sign shall not exceed sixteen square feet per side
 - (D) Each sign shall not exceed ten feet in height.
 - (E) A real estate sign shall not be erected or maintained within the visibility triangle.

(2) Undeveloped Property. Real estate signs may be erected on undeveloped property as follows;

- (A) Signs may be placed no closer than one per three hundred linear feet of street frontage.
- (B) The total gross surface area for each sign shall not exceed sixteen square feet for each side.
- (C) Each sign shall exceed ten feet in height.
- (D) A real estate sign shall not be erected or maintained within the visibility triangle.

Sec. 1.117 Temporary Real Estate Directional Signs

Off-premises temporary real estate directional signs are permitted in all zoning districts, and in the city's extraterritorial jurisdiction, subject to the following regulations:

- (1) A permit is required prior to the placement of temporary real estate directional signs.
- (2) The applicant shall place no more than ten temporary real estate directional signs at a time.
- (3) Signs shall not constitute a traffic hazard or impair visibility. A temporary real estate directional sign shall not be located within the visibility triangle.
- (4) Temporary real estate directional signs shall not be placed in the right-of-way.
- (5) A temporary real estate directional sign shall not be exceed 32 square feet.

Sec. 1.118 Directional Signs and Off-Premises Signs

- (a) Directional signs are permitted in the City and in the extraterritorial jurisdiction subject to the following regulations:
 - (1) The maximum permitted height is three (3) feet.
 - (2) The maximum area is eight (8) square feet with a maximum of four (4) square feet per sign face.
 - (3) The maximum number of signs is two (2) signs per premises.

- (b) Off-premises signs are permitted in all zoning districts and in the City's extraterritorial jurisdiction, subject to the following regulations:
- (1) Off-premises signs are permitted in nonresidential zoning districts: however, nothing in this section shall be construed to allow additional signage other than the maximum amount allowed in this article.
 - (2) No directional or off-premises sign shall be allowed in residential zoning districts except temporary real estate directional signs and signs containing a noncommercial message.
 - (3) No directional or off-premises sign is permitted to be erected or maintained within the visibility triangle.

Sec. 1.119 Signs Not Requiring Permits

The following signs are permitted in all zoning districts and in the City's extraterritorial jurisdiction and do not require a permit, provided they meet all other requirements of this article:

- (1) Protective signs that have as their purpose, the protection of life and property.
- (2) Signs or markers giving information about the location of underground electric transmission lines, telephone properties and facilities, pipelines, public sewer or water lines or other public utilities.
- (3) Signs erected by a agency of the state or a political subdivision of the state.
- (4) The display of a national flag or state flag, emblem, insignia, legal notices or informational, directional or traffic signs which are legally required or necessary to the essential functional of government agencies (state, federal, and city), except that each flag in a residentially zoned district shall not exceed twenty-five feet in height.
- (5) Signs with street names and/or street numbers.
- (6) Memorial signs or tablets, names of buildings and date of erection, when cut into any masonry surface or when constructed of bronze or other noncombustible material.
- (7) Temporary or portable decorative displays for holidays, public demonstrations, civic, school or religious events, or community service announcements which do not contain advertising.

(8) Sign which state the name of the company which constructed a fence, not to exceed one square foot in size.

(9) Real estate signs.

Sec. 1.120 Signs in the Extraterritorial Jurisdiction

(a) Signs in the extraterritorial jurisdiction shall comply with this article, with the exception of exempt signs identified in Section 1.119

(b) The erection, maintenance or display of the following types of signs are hereby prohibited in the extraterritorial jurisdiction:

(1) Any signs described in Section 1.106 hereof:

(2) Billboards: and/or

(3) Any sign attached to a fence.

(c) Temporary real estate direction signs are allowed in the extraterritorial jurisdiction, subject to the following:

(1) A sign shall not be in the right-of-way or within the visibility triangle.

(2) Signs may be placed only on developed property, with the permission of the owner.

(3) The applicant shall place no more than ten temporary real estate directional signs at a time.

(4) A temporary real estate directional sign shall not exceed 32 square feet.

(d) Pole signs are allowed in the extraterritorial jurisdiction subject to the following:

(1) Each premises or lot shall have no more than one pole sign per street frontage.

(2) A pole sign shall not exceed thirty-five feet in height except that pole signs on properties fronting onto State Highway 287 or FM 1655 shall not exceed fifty feet in height.

(3) A pole sign shall not exceed 100 square feet of gross surface area per side.

(4) A pole sign may be located next to, but not into the public right-of-way provided that the sign does not create a hazard to traffic or pedestrians.

- (5) If placed on a corner, the sign shall not be placed in the visibility triangle.
- (6) Premises containing two or more businesses may have one pole sign which advertises multiple occupants.

(e) Monument signs are allowed subject to the following:

- (1) Each premise shall have no more than one monument sign per street frontage.
- (2) A monument sign shall not exceed 35 square feet of gross surface area for each side.
- (3) A monument sign shall not exceed eight feet in height, including the base.
- (4) Monument signs may be located next to, but not into the right-of-way provided that the sign does not create a hazard to traffic or pedestrians, or if placed on a corner such sign shall not be placed in the visibility triangle.
- (5) Structures containing two or more businesses, as permitted by individual certificate of occupancy permits, may have one monument sign which advertises multiple occupants.

(f) Wall signs, including marquee, canopies, and awnings, are allowed subject to the following regulations:

- (1) The front and all sides of a building or leasable space abutting a public street shall be measured to determine the amount of wall signage permitted by using the following formula:

Width x Height x Fifteen Percent

(For buildings or leasable space with a wall height of less than twenty feet, measured from ground level to the roof line, the following method of measurement shall be used: Width multiplied by Twenty Feet x Fifteen Percent).

- (2) For multi-occupant structures, only the area of leasable space shall be used to determine maximum allowable signage.
- (3) All wall signs and sign copy shall be mounted parallel to the building surface to which they are attached, and shall project no more than eighteen inches from the building surface.

(g) Subdivision signs are allowed at the entrance of subdivision, subject to the requirements of Section 1.108 hereof.

(h) Political signs are allowed in accordance with Section 1.108 hereof.

Sec. 1.121 Nonconforming Signs in the Extraterritorial Jurisdiction.

Signs in the extraterritorial jurisdiction may be altered only as follows:

(a) A sign which has been blown down or otherwise destroyed by wind, fire, or damages from any other sources, may be repaired, if the sign is not abandoned, provided that the cost of repairing the sign is 60 percent of the cost of erecting a new sign of the same type at the same location, or less. If the cost of repairing the sign is more than 60 percent of the cost of erecting a new sign of the same type at the same location, the sign may not be altered, reconstructed, repaired or replaced, and the owner shall remove the sign or bring it into compliance with this article.

(b) Normal maintenance operations may be performed on the sign. If a sign is dismantled for any purpose other than an alteration or maintenance operation permitted hereunder, the sign may not altered, reconstructed, repaired or replaced, and the owner shall remove the sign or bring it into compliance with this article.

Sec. 1.122 Noncommercial Message

(a) Notwithstanding any other provision of this article, any sign that may display a commercial message may also display a noncommercial off-premises message, either in place of or in addition to the commercial message, so long as the sign complies with the other requirements of this article and other city ordinances.

(b) Notwithstanding any other provisions of this article, or other ordinance, any sign that may display one type of noncommercial message may also display any other type of noncommercial message, so long as the sign complies with the other requirements of this article and other city ordinances.

Sec. 1.123 Miscellaneous Sign Regulations

Air navigation facilities such as directional beacons are allowed and a permit is required.

Sec. 1.124 Nonconforming Signs

(a) A sign lawfully existing or under construction on the effective date of this ordinance which does not conform to one or more of the provisions of this article may be continued in operation and maintained as a legal nonconforming sign. A nonconforming sign shall be allowed to remain until such time as:

- (1) The sign is abandoned; or

- (2) The property owner or tenant changes or alters the sign in any manner other than by normal maintenance to the configuration existing at the time of enactment of this article; or
- (3) It is determined by the building official or his/her designee that the sign is a threat to health, safety, or welfare of the citizens and/or a public nuisance.

(b) A nonconforming sign which has been blown down or otherwise destroyed by wind, fire, or damages from any other source, may be repaired, if the sign is not abandoned, provided that the cost of repairing the sign is sixty (60) percent of the cost of erecting a new sign of the same type at the same location, or less. If the cost of repairing the sign is more than sixty (60) percent of the cost of erecting a new sign of the same type at the same location, the sign may not be altered, reconstructed, repaired or replaced, and the owner shall remove the sign or bring it into compliance with this article.

Sec. 1.125 Illegal Signs

A sign erected without a permit, either prior to or after the adoption of the ordinance codified in this article is an illegal sign if a permit was required for its erection at the time the sign was erected. A person commits an offense if the person maintains an illegal sign.

Sec. 1.126 Nuisance Signs

(a) Deteriorated Signs: Pursuant to Texas Health and Safety Code, Article 342, as amended, a sign that is visible from a public place and that is dilapidated, deteriorated, unsafe, abandoned, or is a hazard to the health or safety of the public, is declared a public nuisance.

(b) Offense: A person commits an offense if the person maintains an abandoned sign or a sign in dilapidated or deteriorated condition on property he owns or controls.

(c) Abandoned Signs: Pursuant to Texas Health and Safety Code, Chapter 342, as amended, a sign that is abandoned and is visible from a public place is declared a public nuisance.

Sec. 1.127 Abatement Procedures

(a) If the building official shall determine that any sign is dilapidated, deteriorated, unsafe, insecure, or is a hazard to the public, he/she shall give written notice to the property owner, lessee, or sign erector to repair, replace or remove such sign. If the property owner, lessee, or sign erector fails to remove or repair the sign within ten days after such notice, the building official shall remove the sign at the expense of the owner of the property upon which the sign is located. The building official shall cause any sign, which is an immediate hazard to persons to be removed without notice, and the cost of same shall be paid by the property owner.

(b) Any sign which is removed by the building official pursuant to this section shall be impounded and stored. Records of where such signs are located and when removed shall be kept. The building official shall send a letter to the owner of such sign, if known, or if not known, to the owner or person in control of the premises where such sign was located, giving notice of such impoundment.

(c) The building official shall hold the sign in storage for at least thirty days after notice of impoundment has been mailed. Any sign may be redeemed by the owner upon payment of the cost of removal of and hauling the sign to storage, as determined by the building official, plus a per day storage fee. Such fees shall be established by the city council.

(d) Any sign not reclaimed by the owner thereof within thirty days of the mailing of the notice of impoundment shall be disposed of in accordance with applicable law.

Sec. 1.128 Assessment of Expenses; Lien

(a) The city assesses the expenses incurred pursuant to Section 1.125 of this article against the real estate on which the nuisance is abated, and charges the owner of the property for the same.

(b) The city shall send the owner of the property upon which the work was done a notice. The notice shall include;

- (1) an identification of the property;
- (2) a description of the violation;
- (3) a statement that the city abated the condition;
- (4) a statement of the city's charges and expenses in abating the condition;
- (5) an explanation of the property owner's right to request a hearing within ten days; and
- (6) a statement that in the event the owner fails or refuses to pay the expense within thirty days after the first day of the month following the one in which the work was done, the mayor or his/her designee shall obtain a lien against the property by filing with the county clerk of the appropriate county a statement of the expenses so incurred.

(c) The lien is security for the expenditures made and interest accruing at the rate of ten percent per year from the date of payment by the city.

(d) The City Council will conduct a hearing if the property owner submits a written request within 10 days of the date of the notice. The Council may find if a preponderance of the evidence presented so shows, that the charges are erroneous and may adjust the charges.

(e) When the statement is filed, the city shall have a privileged lien on that property, second only to tax liens and liens for street improvements.

(f) For any such expenditures and interest, suit may be instituted and recovery and foreclosure had by the city. The statement of expenses or a certified copy therefore, is prima facie proof of the expenses incurred by the city in doing the work or making the improvements, all as more particularly specified in Texas Health and Safety Code annotated, §342.007, as amended, which is adopted and incorporated in this article by reference.

Sec. 1.129 Appeals

Any appeal from a decision of the building official under the terms of this article shall be made to the board of adjustment in accordance with the procedures of the board adjustment.

Sec. 1.130 Fees

The Fees to be charged under this article are set forth in the Sign Permits Fees, of the Code of Ordinances.

SECTION 2.

Violation; Penalty

Any person, firm, partnership, corporation or other legal entity who violates, disobeys, omits, neglects or refuses to comply with or who resist the enforcement of any of the provisions of this ordinance shall be fined not more than Five Hundred Dollars (\$500.00) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense

SECTION 3.

It is hereby declared to be the intention of the City Council that phrases, clauses, sentences, paragraphs, and section of this ordinance are severable, and if a phrase, clause, sentence, paragraph, or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality shall not effect the remaining phrases, clauses, sentences, paragraphs, and sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of the unconstitutional phrase, clause, sentence, paragraph, or section.

SECTION 4.

This ordinance shall be cumulative of all provisions of the City of Alvord, Texas except where the provisions of this ordinance are in direct conflict with the provisions of other ordinances, in which event the conflicting provisions of the other ordinances are hereby repealed.

SECTION 5.

Publication; Effective Date;

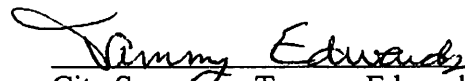
The City Council hereby directs the City Secretary to publish the caption of this ordinance as required by § 52.011 of the Texas Local Government Code. This Ordinance shall take effect immediately upon passage and it is accordingly so ordained.

PASSED AND APPROVED ON THIS 13TH DAY OF APRIL, 2006.

ATTEST:



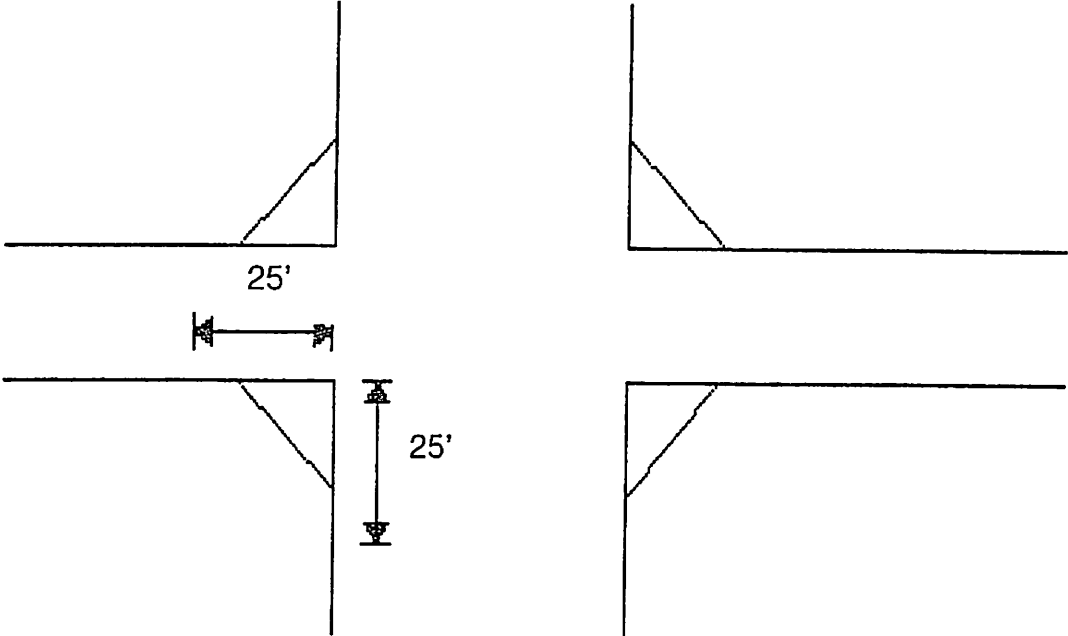
Mayor, Edwin Strange



City Secretary, Tammy Edwards

EXHIBIT A

Sign Visibility Triangle Illustration



Not Drawn to Scale