

TOWN OF ADDISON, TEXAS

ORDINANCE NO. 001-036

AN ORDINANCE OF THE TOWN OF ADDISON, TEXAS AMENDING CHAPTER 62 (SIGNS) OF THE CODE OF ORDINANCES OF THE TOWN BY AMENDING ARTICLE I, SECTION 62-1, ARTICLE II, DIVISION 1, SECTIONS 62-33, 34, 56, ARTICLE IV, DIVISION 2, SECTIONS 136, 138, 143, 145, 162, 163, ARTICLE IV, DIVISION 4, SECTIONS 183, 184, 185, 186, ARTICLE IV, DIVISION 5, SECTIONS 208, 247 AND 248; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE TOWN OF ADDISON, TEXAS:

Section 1. Amendment. The Code of Ordinances (“Code”) of the Town of Addison, Texas (the “City”) is hereby amended by amending Chapter 62 (“Signs”) of the Code as follows:


- A. Article I (“In General”) is hereby amended so that it shall hereafter read as set forth in Exhibit A attached hereto and incorporated herein for all purposes.
- B. Article II (“Administration And Enforcement”) is hereby amended so that it shall hereafter read as set forth in Exhibit A attached hereto and incorporated herein for all purposes.
- C. Article IV (“Requirements for Specific Types of Signs”) is hereby amended so that it shall hereafter read as set forth in Exhibit A attached hereto and incorporated herein for all purposes.

Section 2. Savings. This Ordinance shall be cumulative of all other ordinances of the City and shall not repeal any of the provisions of those ordinances except in those instances where the provisions of those Ordinances are in direct conflict with the provisions of this Ordinance.

Section 3 Severability. The sections, paragraphs, sentences, phrases, clauses and words of this Ordinance are severable, and if any section, paragraph, sentence, phrase, clause or word in this Ordinance or application thereof to any person or circumstance is held invalid or unconstitutional by a Court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this Ordinance, and the City Council hereby declares that it would have passed such remaining portions of this Ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

Section 4. Effective Date. This Ordinance shall become effective from and after its date of passage and publication as may be required by law.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE TOWN OF ADDISON, TEXAS, this the 13th day of November, 2001.



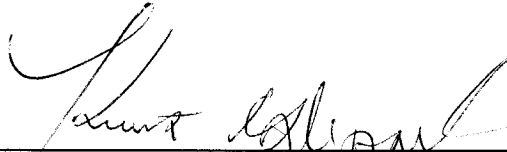
R. Scott Wheeler, Mayor

ATTEST:

By: 

Carmen Moran, City Secretary

APPROVED AS TO FORM:

By: 

Ken Dippel, City Attorney

***Cross reference(s)**--Buildings and building regulations, ch. 18; streets, sidewalks and other public places, ch. 70; zoning, app. A.

State law reference(s)--Municipal regulation of signs, V.T.C.A., Local Government Code ch. 216.

ARTICLE I. IN GENERAL

Sec. 62-1. 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:

Animation means copy or other images that flash or move or otherwise change.

Banner means a temporary sign containing a worded message or graphic image composed of lightweight material secured or mounted so as to allow movement caused by wind.

Building means a structure which has a roof supported by columns, walls or air for the shelter, support or enclosure of persons, animals or property.

Code enforcement administrator means the person appointed by the city manager as the code enforcement administrator or his designee.

Commercial Message means a message placed or caused to be placed before the public by a person or business enterprise directly involved in the manufacture or sale of the products, property, accommodations services, attractions, or activities or possible substitutes for those things which are the subject of the message and that:

(a) refers to the offer for sale or existence for sale of products, property, accommodations, services, attractions, or activities; or

(b) attracts attention to a business or to products, property, accommodations, services, attractions, or activities that are offered or exist or sale or for hire.

Copy means letters, characters, illustrations, logos, graphics, symbols, writing or combination thereof, designed to communicate information of any kind, or to advertise, announce the purpose of, or identify the purpose of a person or entity, or to identify or advertise a business or business product, or to advertise the sale or lease of a premises.

Effective area means the area enclosed by drawing a rectangle of horizontal and vertical lines which fully contain all extremities of the sign drawn to scale, including architectural design elements such as decorative bordering, but exclusive of the sign

supports. The measurements is to be calculated from the viewpoint which gives the largest rectangle of that kind as the viewpoint is rotated horizontally around the sign.

Facade means any separate face of a building, including parapet walls and omitted wall lines, or any part of a building oriented in the same direction, or in directions within 45 degrees of one another, they are to be considered as part of a single facade.

Luminescent gaseous tubing means exposed tubes used in or as signs and which contain luminescent inert gases including, but not limited to, neon, argon and krypton.

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

Premises means a lot or tract, or a combination of contiguous lots or tracts if the lot or tract, or combination, is under single ownership and is reflected as a single premises in the plat records of the town.

Responsible party means the owner, operator, occupant, employee or other person working at, employed by, responsible for, or in charge of the premises at issue, and includes the name of the advertiser or other person whose name appears on the sign.

Sign means any device, flag, light, figure, picture, letter, word, message, symbol, plaque or poster visible from outside the premises on which it is located and designed to inform or attract the attention of persons not on the premises.

Sign, attached means any sign attached to, applied on or supported by any part of a building (such as a wall, roof, window, canopy, awning, arcade or marquee) which encloses or covers usable space.

Sign, detached means any sign connected to the ground which is not an attached sign, including signs on movable objects, but excluding signs on vehicles which are moving or are parked only temporarily, incidental to their principal use for transportation.

Sign device means any flag, banner, pennant, streamer or similar device that moves freely in the wind. Balloons inflated by any means, secured or unsecured, are considered to be sign devices. All sign devices are considered to be signs, and are regulated and classified as attached or detached by the same rules as other signs.

Sign erector means a person who is hired to install, construct, erect or repair such sign in the town, and his employees, representatives and subcontractors.

Sign, meritorious exception means any sign which fails to conform to all applicable regulations and restrictions of this Code and for which a special permit has been issued.

Sign, monument means a freestanding sign having a low profile and made of stone, concrete, metal, routed wood planks or beams, brick or similar materials, including individual lettering, which repeat or harmonize with the architecture of the establishment it serves.

Sign, movement control means a sign which directs vehicular or pedestrian movement within or into the premises on which the movement control sign is located.

Sign, nonpremises means any sign which is not a premises sign.

Sign, political means any type of nonpremises sign which refers only to the issues or candidates involved in a political election.

Sign, portable means a sign which is easily moved from one location to another, including signs which are mounted on skids, trailers, wheels, legs or stakes, and which is not fixed permanently to the ground, and which is not an attached sign, political sign, or a sign which refers solely to the sale or lease of the premises.

Sign, premises means any sign the content of which relates to the premises on which it is located referred exclusively to the name, location, products, persons, accommodations, services or activities of or on those premises, or the sale, lease or construction of those premises.

Sign, protective means any sign which is commonly associated with safeguarding the permitted uses of the occupancy, including, but not limited to, "bad dog," "no trespassing," and "no solicitors."

Sign support means any pole, post, strut, cable or other structural fixture or framework necessary to hold and secure a sign, providing that such fixture or framework is not imprinted with any picture, symbol or word using characters in excess of one inch in height, or is internally or decoratively illuminated.

Sign, vehicular means any sign on a vehicle.

Special event means events which are sponsored in whole or in part by the town and include only: Kaboom Town, Oktoberfest, and other events as designated by the city council.

Visibility triangle means a triangle sight area, at all intersections, which shall include that portion of public right-of-way and any corner lot within the adjacent curblines and a diagonal line intersecting such curblines at points 35 feet back from their intersection.

Zoning district, business means any zoning district designated by the comprehensive zoning ordinance of the town as LR, C-1, C-2, I-1, I-2, I-3, MXR, UC. Any planned development district is also included in this list, unless specifically excluded by its provisions.

Zoning district, nonbusiness means any zoning district not designated as a business district.

(Code 1982, § 14-2)

Cross reference(s)--Definitions generally, § 1-2.

Sec. 62-2. Purpose.

Signs use private land and the sight lines created by the public rights-of-way to inform and persuade the general public by publishing a message. This chapter provides standards for the erection and maintenance of private signs. All private signs not exempted as provided in this chapter shall be erected and maintained in accordance with these standards. 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:

- (1) *Safety.* To promote the safety of persons and property by providing that signs do not:
 - a. Create a hazard due to collapse, fire, decay or abandonment;
 - b. Obstruct firefighting or police surveillance; and
 - c. Create traffic hazards by confusing or distracting pedestrians, obstacles or other vehicles or to read traffic signs.

- (2) *Communications efficiency.* To promote the efficient transfer of information in sign messages providing that:
 - a. Those signs which provide messages and information most needed and sought by the public are given priorities;
 - b. Businesses and services may identify themselves;
 - c. Customers and other persons may locate a business or service;
 - d. No person or group is arbitrarily denied the use of the sight lines from the public right-of-way for communication purposes; and
 - e. Persons exposed to signs are not overwhelmed by the number of messages presented and are able to exercise freedom of choice to observe or ignore such messages, according to the observer's purpose.

- (3) *Landscape quality and preservation.* To protect the public welfare and to enhance the appearance and economic value of the landscape, by providing that signs:
 - a. Do not interfere with scenic views;
 - b. Do not create a nuisance to persons using the public rights-of-way;
 - c. Do not create a nuisance to occupants of adjacent and contiguous property by their brightness, size, height or movement;
 - d. Are not detrimental to land or property values;
 - e. Do not contribute to visual blight or clutter; and
 - f. Are architecturally compatible and harmonious with the structure to which they pertain and to neighboring structures.

(Code 1982, § 14-1)

Sec. 62-3. Compliance with laws required; conflict.

All signs erected or maintained pursuant to the provisions of this chapter shall be erected and maintained in compliance with all applicable state laws and with the building code, electrical code, and other applicable ordinances of the town. In the event of conflict between this chapter and other laws, the most restrictive standard applies.

(Code 1982, § 14-5)

Sec. 62-4. Maintenance.

Every sign in the town, regardless of whether any permit is required for such sign, shall be maintained in a safe, presentable and sound structural and operational condition at all times, including the replacement of nonfunctioning, broken, defective, or missing parts, painting, repainting, cleaning and any other acts required for the maintenance of such sign. All signs and sign supports, brackets and frames shall be kept painted or otherwise treated to prevent rust, rot or deterioration. Signs not meeting the standards imposed by this chapter shall be subject to removal or repair.

(Code 1982, § 14-6)

Sec. 62-5. Nuisances.

All of the following signs shall be considered a public nuisance, and the town may, without notice, remove and impound any of the following signs:

- (1) Any sign erected or existing that constitutes a traffic hazard;
- (2) Any sign erected without a permit, either prior to or after the adoption of this chapter, if a permit was required;
- (3) Any sign erected in violation of the provisions of this chapter; and
- (4) Any sign erected in or over a public right-of-way, either prior to or after adoption of this chapter.

(Code 1982, § 14-113)

Secs. 62-6--62-30. Reserved.

ARTICLE II. ADMINISTRATION AND ENFORCEMENT*

*Cross reference(s)--Administration, ch. 2.

DIVISION 1. GENERALLY

Sec. 62-31. Administration.

The provisions of this chapter shall be administered and enforced by the code enforcement administrator as appointed by the city manager.

(Code 1982, § 14-3)

Sec. 62-32. Nonconforming signs.

- (a) It is the declared purpose of this article that in time all privately owned signs shall either conform to the provisions of this chapter or be removed. By the passage of this chapter and its amendments, no presently illegal sign shall be deemed to have been legalized unless such sign complies with all current standards under

the terms of this chapter and all other ordinances of the town. Any sign which does not conform to all provisions of this chapter shall be a nonconforming sign if it legally existed as a conforming or nonconforming sign under the terms of this chapter under prior ordinances, or an illegal sign if it did not exist as a conforming or nonconforming sign under prior ordinances, or an illegal sign if it did not exist as a conforming or nonconforming sign, as the case may be.

- (b) No nonconforming sign shall be repaired or renovated except to bring the sign into compliance with the provisions of this chapter. Any nonconforming signs which are damaged in excess of 50 percent of its current value must be demolished and not repaired unless such proposed repairs would bring the sign into compliance with the provisions of this chapter.
- (c) The town will follow all applicable state regulations in the removal of nonconforming signs. Upon requirement of removal, the town will institute any necessary procedures before any legal boards required by state legislation.

(Code 1982, §§ 14-111, 14-116, 14-117)

State law reference(s)--Removal of nonconforming signs, V.T.C.A., Local Government Code § 216.003 et seq.

Sec. 62-33. Meritorious exceptions.

- (a) Application for meritorious exception shall be applied for by the responsible party of the premises and the owner of the premises shall consent to such exception.
- (b) Fees for an application for a meritorious exception sign shall be \$200.00 for each sign with a maximum amount of \$400.00 per premises for each application.
- (c) If a sign is erected, placed or maintained in violation of the provisions of this Chapter prior to any authority, permission or approval of the town to do so, and an application for meritorious exception is sought, there shall be paid by the applicant for such meritorious exception a late fee equal to twice the amount of the meritorious exception fee. Payment of the late fee does not excuse full compliance with the provisions of this chapter.
- (d) The following procedures apply to a meritorious exception:
 - (1) In the development of the sign criteria, a primary objective has been to ensure against the kind of signage that has led to low visual quality. On the other hand, an equally primary objective has been the guarding against overly controlled signage.
 - (2) It is not the intention of these criteria to discourage innovation. It is entirely conceivable that signage proposals could be made that, while clearly not conforming to this chapter and thus not allowable under these criteria, have obvious merit in not only being appropriate to the particular site or location, but also in making a positive contribution to the visual environment.
 - (3) In order to determine the suitability of alternate materials and methods of construction, and to provide for reasonable interpretation of the provisions of this chapter, there shall be and is hereby created a sign review board of appeals consisting of three or more members of the city

council. The code enforcement administrator or his designee shall be ex officio member and shall act as the staff to the sign review board. The sign review board shall have the authority to adopt reasonable rules and regulations for the enforcement of the sign ordinance and the authority to make recommendations to the full council. The council may consider appeals on the basis that such regulations and/or standards will, by reason of exceptional circumstances or surroundings, constitute a practical difficulty or unnecessary hardship.

(Code 1982, §§ 14-22--14-24, 14-118)

Sec. 62-34. Impounded signs.

- (a) Impounded signs may be recovered by the owner within 15 days of the date or impoundment by paying a fee as follows:
 - (1) A fee of \$5.00 for signs which are 12 square feet or less in area.
 - (2) A fee of \$10.00 for signs which are larger than 12 square feet or more in area.
- (b) Signs not recovered within 15 days of impoundment may be disposed of by the town in any manner it shall elect.

(Code 1982, §§ 14-114, 14-115)

Secs. 62-35--62-50. Reserved.

DIVISION 2. PERMITS

Sec. 62-51. Required.

- (a) No person shall cause a sign to be erected, constructed, relocated, altered, repaired or maintained until a permit for such has been issued and the fee paid, except as otherwise provided in this chapter.
- (b) It shall be unlawful for any person to repair or to make alterations to any sign requiring a permit without first obtaining a repair permit and making payment of the fee required. Fees for a permit to repair shall be \$10.00.

(Code 1982, §§ 14-11, 14-20)

Sec. 62-52. Applications.

All applications for permits under this chapter shall include a drawing to scale of the proposed sign, all existing signs maintained on the premises and visible from the right-of-way, a drawing of the plot plan or building facade indicating the proposed location of the sign and specifications.

(Code 1982, § 14-12)

Sec. 62-53. Permanent detached signs.

Applications for permit for permanent detached signs shall be applied for by the responsible party for the premises. Owner of the premises shall consent to such application.

(Code 1982, § 14-13)

Sec. 62-54. Lapse of sign permit.

A sign permit shall lapse automatically if not renewed or if the certificate of occupancy for the premises expires, is revoked, or is not renewed. A sign permit shall also lapse if the business activity on the premises is discontinued for a period of 30 days or more and is not renewed within 14 days of a notice from the town to the last permittee, sent to the premises, that the sign permit will lapse if such activity is not renewed.

(Code 1982, § 14-14)

Sec. 62-55. Revocation.

The code enforcement administrator may suspend or revoke any permit issued under the provisions of this chapter whenever he shall determine that the permit is issued in error or on the basis of incorrect or false information supplied, or whenever such permit be issued in violation of any of the provisions of this chapter or any other ordinance of this town or laws of this state or the federal government. Such suspension or revocation shall be effective when communicated in writing to the person to whom the permit is issued, the owner of the sign or the responsible party of the premises upon which the sign is located.

(Code 1982, § 14-15)

Sec. 62-56. Duration.

If the work authorized by a permit issued under this chapter has not been commenced within 180 days after the date of issuance, the permit shall become null and void.

(Code 1982, § 14-16)

Sec. 62-57. Fees.

- (a) Every applicant, before being granted a permit under this division, shall pay to the town the applicable fee set out in this section. The fee for a permit to erect, alter, replace or relocate a sign shall be \$50.00 for each sign. No refunds for a sign permit shall be granted after such fees have been tendered.
- (b) When a sign is erected, placed, or maintained, or work is started thereon before obtaining a sign permit, there shall be a late fee equal to twice the amount of the sign permit fee. The late fee does not excuse full compliance with the provisions of this chapter.

(Code 1982, §§ 14-17--14-19, 14-21)

Sec. 62-58. Electrical permit.

Prior to issuance of a sign permit for a sign in which electrical wiring and connections are to be used, an electrical permit must be obtained according to the existing fee schedule. The electrical inspector shall examine the plans and specifications submitted with the application to ensure compliance with the electrical code of the town. No sign shall be erected in violation of the electrical code.

(Code 1982, § 14-25)

Sec. 62-59. Condemnation; notice.

Signs adjudged by the code enforcement administrator to be structurally unsafe or to be more than 50 percent destroyed or dilapidated may be condemned. A condemnation letter will be sent to the owner of the property stating that the sign must be demolished within 15 days of the receipt of the letter. If the sign is not removed within the period allotted, the town may remove the sign at the property owner's expense.

(Code 1982, § 14-112)

Secs. 62-60--62-80. Reserved.

ARTICLE III. CONTRACTORS*

*Cross reference(s)--Businesses, ch. 22.

DIVISION 1. GENERALLY

Secs. 62-81--62-95. Reserved.

DIVISION 2. LICENSE

Sec. 62-96. Required.

No person shall install or erect, relocate, or maintain any sign, or contract for such service, until such person has applied through the building inspection department for a license to install, erect, relocate, and maintain such sign, and such license has been approved and issued, except as otherwise provided in this division.

(Code 1982, § 14-27)

Sec. 62-97. Application.

An application for a license under this division shall be made upon blanks provided by the building inspection department, and shall contain or have attached thereto the following information:

- (1) Name, address and telephone number of applicant.
- (2) Name, address and telephone number of applicant's company.

- (3) Names of all persons who are authorized to apply for sign permits under applicant's license.

(Code 1982, § 14-28)

Sec. 62-98. Fee.

The fee for licenses issued pursuant to this division shall be \$50.00, and each license must be renewed on an annual basis.

(Code 1982, § 14-29)

Sec. 62-99. Bond required.

No license for the installation, erection, relocation and maintenance of signs shall be issued to any person until such person has filed with the building official, or his designee, a surety bond, and shall be conditioned for the installation and erection of signs in accordance with the ordinances of the town, for any and all damages or liability which may accrue against it by reason of faulty installation, erection, demolition, repair, removal, or defects in, or collapse of, any signs, for a period of one year after erection and for such period of time that such sign is maintained or serviced by or under the direction of the make of such bond. Such bond shall further provide for the indemnification of any person who shall, while upon public property or in any public place, incur damage for which the principal named in the bond is legally liable.

(Code 1982, § 14-30)

Sec. 62-100. Cancellation.

The license of any sign contractor may be canceled by the building official, when such contractor persistently violates the requirements of this section. Conviction in municipal court, whether appealed or not, on two violations over a period of two calendar years shall constitute evidence of persistent violation. Any license thus canceled shall not be renewed until such violations have been corrected. Upon correction of the violations, the contractor's license shall be renewed upon the town's discretion, provided the contractor furnished an additional bond in the amount of \$5,000.00 guaranteeing compliance, and that this compliance bond is renewed for two years following the renewal of the license.

(Code 1982, § 14-30.1)

Sec. 62-101. Required prior to issuance of permit.

No permits for the erection, construction, relocation, alteration, repair, or maintenance of any sign shall be issued until a license has been approved and issued by the building official and the fee paid, except as otherwise provided in this division.

(Code 1982, § 14-30.2)

Secs. 62-102--62-120. Reserved.

ARTICLE IV. REQUIREMENTS FOR SPECIFIC TYPES OF SIGNS

DIVISION 1. GENERALLY

Secs. 62-121--62-135. Reserved.

DIVISION 2. SIGNS ALLOWED WITHOUT PERMITS

Sec. 62-136. Exempt signs generally.

All signs as designated under this division are allowed without a permit in all zoning districts in accordance with this division.

(Code 1982, § 14-76)

Sec. 62-137. Government signs.

- (a) Nothing in this chapter shall be construed to prevent the display of governmental signs for control of traffic or other regulatory purposes, street signs, danger signs, railroad crossing signs and signs of public service companies indicating danger and/or aids to service or safety which are erected by or on approval of the town.
- (b) Nothing in this chapter shall be construed to prevent the display of a national flag and/or state flag whose size does not exceed 40 square feet and which flag is displayed upon a flagpole which does not exceed 30 feet in height. All national flags or state flags in excess of the foregoing sizes must apply for a meritorious exception as set forth in subsection 62-32(a).

(Code 1982, § 14-77)

Sec. 62-138. Holiday decorations.

All Holiday decorations in districts zoned for single-family residential use are exempt from the following regulations. Nothing in this section shall be construed to prevent tree lights or attached building lights of a primarily decorative nature, clearly incidental and customary and commonly associated with any national, local, or religious holiday, provided such lights shall be displayed November 15 to January 15 only. Additionally, the code enforcement officer may allow tree lights and grant a permit if such lights meet the following criteria:

- (1) Such lights do not camouflage or divert attention from traffic signals or directional signals;
- (2) Such lights and wiring thereto is in conformity with the electrical code of the town;
- (3) Such lights shall not glare upon the street or adjacent property; and
- (4) Such lights shall not blink, flash, or move by any means.

(4)(5) Such lights shall be installed in accordance with figure 62-138.5, as approved by Resolution of the City Council.

(Code 1982, § 14-78)

Sec. 62-139. Air traffic signs.

Air traffic signs are exempt.

(Code 1982, § 14-79)

Sec. 62-140. Gasoline signs.

Gasoline price per gallon or credit card signs may be mounted on pump islands only, with maximum total area of any single sign face not to exceed four square feet.

(Code 1982, § 14-80)

Sec. 62-141. Words on machinery or equipment.

Words may be attached to machinery or equipment which is necessary or customary to the business, including, but not limited to, devices such as gasoline pumps, vending machines, ice machines, etc., provided that words so attached refer exclusively to products or services dispensed by the device, and project no more than one inch from the surface of the device.

(Code 1982, § 14-81)

Sec. 62-142. Protective signs.

The occupant of any premises may erect not more than two protective signs, in accordance with the following provisions:

- (1) Each sign must not exceed one square foot in effective area.
- (2) Detached signs must not exceed two feet in height.
- (3) Letters must not exceed four inches in height.

(Code 1982, § 14-82)

Sec. 62-143. Single-family or duplex residential premises.

A single-family or duplex residential premises may display one detached, nonilluminated sign which may advertise a garage sale on the premises or refer to the sale or lease of the premises., The sign shall not exceed three square feet. All detached special purpose and political signs must conform to all the restrictions set forth in this chapter.

(Code 1982, § 14-83)

Sec. 62-144. No trespassing; no dumping; no parking.

No trespassing, no dumping and no parking signs are allowed without a permit but must adhere to all restrictions set forth elsewhere in this chapter.

(Code 1982, § 14-84)

Sec. 62-145. Certain vehicular signs.

- (a) Vehicular signs may be attached to the following vehicles:
 - (1) Vehicles of the town.
 - (2) Vehicles owned and operated by another governmental entity.
 - (3) Hotel vans and taxicabs.
- (b) Further, a vehicular sign is allowed without a permit if the vehicle meets the following parking requirements.
 - (1) The vehicle shall be parked in a location so that the sign is not visible from the public right-of-way.
 - (2) Temporary parking for 12 hours or less of a vehicle in a location visible from public right-of-way in connection with the ordinary use of the vehicle shall be permitted.
 - (3) If the place where the vehicle is parked does not allow the vehicle to be parked so that the sign is not visible from the right-of-way, the vehicle shall be parked as far away from the public right-of-way as practicable.

(Code 1982, § 14-85)

Secs. 62-146--62-160. Reserved.

DIVISION 3. ATTACHED SIGNS

Sec. 62-161. Generally.

Attached signs are permitted in all business zoning districts subject to the restrictions in this division.

(Code 1982, § 14-31)

Sec. 62-162. Premises signs.

- (a) All attached signs must be premises signs.
- (b) Metal backing is required for all attached wall signs. Wood backing is prohibited.
- (c) There shall be only one sign for each facade for each tenant.
- (d) All signs and their messages shall be mounted parallel to the building surface to which they are attached. No sign or message shall project more than 18 inches from the surface to which they are attached. Signs shall not be mounted on roofs and shall not project above roof line.

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(Code 1982, § 14-32)

Sec. 62-163. Area.

Total effective area of attached signs shall not exceed the following schedules:

- (1) On an attached sign located at a height of up to 36 feet, the effective area is limited to one square foot of sign area for each linear foot of building frontage not to exceed 100 square feet(2) An attached sign located at or exceeding a height of 36 feet shall be permitted an increase in maximum effective area. Such increases shall not exceed four square feet in effective area for each additional one foot of height above 36 feet measured from the base of the sign to the building grade.
- (3) Attached signs may be located on each facade; however, the sum of the effective area of all attached signs shall not exceed twice the allowable effective area as specified in subsections (1) and (2) of this section.
- (4) Buildings with four or more stories in height may have not more than two attached signs per facade provided that:
 - a. Each sign is designated for a separate tenant.
 - b. One sign must be located on or near the uppermost story of the building. while the second sign is to be located on the first or ground level floor.
 - c. Signs may be no closer than 30 feet apart.
 - d. The combined effective square footage of both signs may not exceed twice the allowed effective square footage as specified in subsections (1) and (2) of this section.
- (5) Maximum letter/logo height of attached signs shall not exceed twice the allowable effective area as specified in subsections (1) and (2) of this section. Maximum letter/logo height of attached signs shall be determined by the following schedule:

<u>Sign Height (feet)</u>	<u>Maximum Letter/Logo Height (inches)</u>
0--36	16
37--48	36
49--100	48
101--150	60
151 and up	72

- a. Letter heights in excess of 72 inches must be approved by the city council.
- b. Not more than 50 percent of the letters in each individual sign height category may be 25 percent taller than the specified maximum letter/logo height.

- (6) Copy on awnings is allowed in accordance with the above regulations for area and letter height. For back-lit awnings, the area of the sign shall be based on the area of the awning that is back-lit or illuminated.

(Code 1982, § 14-33)

Sec. 62-164. Window signs.

- (a) Signs in windows facing public rights-of-way are limited to ten percent of the window area per facade.
- (b) The outlining of a window on two or more of any sides with lighting, luminescent gaseous tubing, or by any similar means shall constitute 100 percent of the total window area as a sign.

(Code 1982, § 14-34)

Secs. 62-165--62-180. Reserved.

DIVISION 4. DETACHED SIGNS

Sec. 62-181. Generally.

Detached signs are permitted in business zoning districts as provided in this division.

(Code 1982, § 14-41)

Sec. 62-182. Premises signs.

Detached signs must be premises signs only. Off-premises signs are prohibited.

(Code 1982, § 14-42)

Sec. 62-183. Number of signs.

Only one detached sign of any type may be erected on any premises except that:

- (1) Premises which have more than 450 feet of property frontage along the public way, other than an alley, may have not more than one additional detached sign for each additional 300 feet of frontage.
- (2) Any premises with frontage along more than one public way may have a permanent detached sign along each public way provided that each frontage way is at least 300 feet in length.
- (3) All permanent detached signs must be no closer than 150 feet apart, with no two detached signs of any type being closer than 50 feet apart.
- (4) Signs within the visibility triangle at all intersections, which include that portion of public right-of-way, any corner lot within the adjacent curblines and a diagonal line intersecting such curblines at points 35 feet back from their intersection, are prohibited.

(Code 1982, § 14-43)

Sec. 62-184. Setback, effective area and height.

A minimum setback of ten feet is required of all detached signs. A minimum setback of 15 feet from the back of the curb of the public street is required for signs exceeding ten square feet in effective area or ten feet in height. A minimum setback of 20 feet is required for all signs exceeding 20 square feet in effective area or 15 feet in height.

(Code 1982, § 14-44)

Sec. 62-185. Specifications.

Both single-tenant and multitenant pole signs shall be allowed and shall be governed by the design standards and regulations as set forth in this section.

- (1) Single-tenant pole signs must be exactly 36 square feet in effective area and must be exactly 20 feet in height measured from ground elevation to the top of the sign.
- (2) Multitenant pole signs must be exactly 72 square feet in effective area and must be exactly 20 feet in height measured from ground elevation to

the top of the signs. No single-tenant shall occupy more than 36 square feet of sign area on a multi-tenant sign.

(3) Design standards shall be as follows:

- a. *Sign supports:* 8" X 8" structural steel tubing. Structural steel tubing shall be installed in accordance with Figure 62-185A for single-tenant signs and 62-185B for multi-tenant signs.
- b. *Sign cabinet:* Paint grip sheet metal on angle iron frame with angle retaining rim to secure sign face.
 1. Single-tenant sign cabinet dimensions: 6'10" wide X 5'10" high X 12" deep.
 2. Multitenant sign cabinet dimensions: 6'10" wide X 11'6" high X 12" deep.
- c. *Sign face:* plastic sheet; d. *Sign finish:* Degrease, prime, and finish coat all exposed metal surfaces as required.
- e. *Sign support and cabinet color:* Pantone 404(c). Painted surfaces are to match special color; color swatch will be provided by the town. Color number: Pantone #404(c)
- f. *Internal illumination:* Internal illumination provided by fluorescent lamps spaced no further than 12 inches on center.
- g. *Overall sign height:* All signs are to be 20 feet in height.

(Code 1982, § 14-45)

Sec. 62-186. Monument signs.

Monument signs must be built on a monument base as opposed to a pole base with no separation between the base of the sign and natural grade. A monument sign contains only the name, logo, address and product or service of the establishment. No advertising or promotional information is permitted thereon. Such sign may be single- or double-faced. Such signs with base shall not exceed six (6) feet in overall height above the natural or average grade and the actual sign face shall not exceed forty-eight (48) square feet in area per side. Plastic faces may be used on monument signs provided only the letters, numbers or logo elements emit light. The monument sign shall be located on site and a minimum of twenty (20) feet from the back of the curb.

(Code 1982, § 14-46)

Sec. 62-187. Multifamily premises.

Multifamily premises may have detached signs subject to the following restriction regarding the number of signs. Each premises may have not more than one detached premises sign, provided, however, that premises with more than 750 feet of frontage along a public way, other than an alley, may have not more than one additional detached sign for each 500 feet of additional frontage.

(Code 1982, § 14-47)

Secs. 62-188--62-205. Reserved.

DIVISION 5. REAL ESTATE/LEASING/CONSTRUCTION SIGNS

Sec. 62-206. Generally.

Real estate, leasing and construction signs are permitted in all zoning districts as provided by this division.

(Code 1982, § 14-51)

Sec. 62-207. Signs on undeveloped property.

Signs on undeveloped property shall be specifically limited to real estate, development and/or temporary construction signs and must comply with sign design and size criteria as set forth elsewhere within this chapter.

(Code 1982, § 14-52)

Sec. 62-208. Real estate/leasing signs.

Permission is granted to property owners for the erection of a sign to advertise the sale, lease or rent of the property or undeveloped land on which the sign is located. Real estate signs must be spaced at least 50 feet apart along a lot frontage, and there may be no more than four such signs per lot, the total effective area of each of such signs may not exceed 36 square feet, and such signs shall be no taller than 16 feet in overall height. Such signs shall not be placed on utility or light poles, public or private. Real estate/leasing signs must be constructed in accordance with Figure 62-208. (Code 1982, § 14-53)

Sec. 62-209. Real estate directional signs.

Off-premises real estate directional signs are prohibited.

(Code 1982, § 14-54)

Sec. 62-210. Construction signs.

Permission is granted to developers to erect temporary construction signs designed to identify contractors, financiers, architects, engineers, and to advertise the coming of new businesses on the premises to which the sign pertains. Such signs shall not be erected prior to the issuance of a building permit for the project to which the sign pertains, and must be removed prior to the issuance of a certificate of occupancy. Such signs shall comply with the provisions of this chapter provided that no sign shall contain more than 36 square feet in effective area. All such signs shall comply with the design standards and regulations as determined by the town. In the case of residential subdivision development, such signs shall be allowed until 75 percent of the residential lots have been sold or 18 months after the issuance of the first certificate of occupancy, whichever event is the first occurring.

(Code 1982, § 14-55)

Secs. 62-211--62-225. Reserved.

DIVISION 6. MOVEMENT CONTROL SIGNS

Sec. 62-226. Generally.

Movement control signs may be erected at any occupancy or upon any premises, other than a single-family or duplex premises, may be attached or detached and may be erected without limit as to number provided that such signs shall comply with all other applicable requirements of this chapter. The occupant of premises who erects a movement control sign shall comply with the following requirements:

- (1) Each sign must not exceed two square feet in effective area.
- (2) If a sign is an attached sign, the words must not exceed four inches in height.
- (3) Each sign must convey a message which directs vehicular or pedestrian movement within or onto the premises on which the sign is located.
- (4) The sign must contain no advertising.
- (5) Lettering on the attached and detached movement control sign, not to exceed four inches in height, may be used for identification purposes only.

(Code 1982, § 14-61)

Secs. 62-227--62-245. Reserved.

DIVISION 7. TEMPORARY SIGNS

Sec. 62-246. Temporary banner signs; prohibited, exceptions.

Temporary banner signs are prohibited in all zoning districts in the town except for the following:

- (1) Any premises or any nonresidential occupancy may display one banner sign announcing a grand opening of a new business. Display of such sign is limited to a maximum of 60 days per opening. The privilege to begin display of such sign expires six months after the issuance of a certificate of occupancy. Use of grand opening signs only apply to new ownership. Size of banner is limited to 50 square feet with at least one-half of all readable copy stating "Grand Opening" or "Now Open."
- (2) Any premises or any nonresidential occupancy may display banner signs containing a message directly relating to a special event provided, however, that such banners may be displayed no more than 14 days prior to the special event and must be removed within two days after the conclusion of the special event.

(Code 1982, § 14-66)

Sec. 62-247. Political Signs--Use during election period.

Political signs may be erected for a period of 30 days prior to any election and shall remove the signs within two days after the election.

- (a) Political signs on any property are limited to one grouping, and limited to the number of candidates and propositions on the election ballot.
- (b) Persons wishing to place political signs on commercial property must have written property owner's approval on file with the code enforcement administrator prior to placement of signs.
- (c) Persons wishing to place political signs on multifamily property must have written approval of the property manager or homeowner's association on file with the code enforcement administrator prior to placement of signs.
- (d) For purposes of this section, "grouping" is defined as an area not exceeding 100 square feet and contained within the same lot.
- (e) There is no limitation placed on the total number of standard-sized political signs within the town, defined as no greater than three square feet. However, only three signs larger than standard-sized political signs are allowed per candidate within the town, with the maximum size of any such sign being 24 square feet.

(Code 1982, § 14-68)

Sec. 62-248. Signs Displaying Noncommercial Messages.

Notwithstanding any other provision of this Chapter, any sign that may display a commercial message may also display a noncommercial message, either in place of or in addition to the commercial messages, so long as the sign complies with other requirements of this Chapter or other ordinances that do not pertain to the content of the message displayed.

Secs. 62-249--62-270. Reserved.

ARTICLE V. PROHIBITED SIGNS

Sec. 62-271. Animation prohibited.

No sign shall be erected or altered to include animation, parts which move, or flashing or blinking lights which may be distracting to motorists. This prohibition does not include time and temperature signs.

(Code 1982, § 14-91)

Sec. 62-272. Advertising by balloon prohibited.

Advertisement by means of a balloon or other inflated sign anchored to the ground, a building or other structure is prohibited.

(Code 1982, § 14-92)

Sec. 62-273. Hazardous or nuisance signs.

No sign shall be illuminated to an intensity to cause glare or brightness to a degree that could constitute a hazard or nuisance. Moving, flashing, intermittently lighted, changing color, beacons, revolving or similarly constructed signs shall not be allowed.

(Code 1982, § 14-93)

Sec. 62-274. Imitation of emergency signs and signals.

No person shall cause to be erected or maintained any sign using any combination of forms, words, colors or lights which imitate emergency signs or signals.

(Code 1982, § 14-94)

State law reference(s)--Signs resembling traffic signs prohibited, V.T.C.A., Transportation Code § 544.066.

Sec. 62-275. Searchlights.

Searchlights are specifically prohibited.

(Code 1982, § 14-95)

Sec. 62-276. Sign on sidewalks, streets, etc.

No person shall attach any sign, paper or material, or shall paint, stencil or write any name, number (except house numbers) or otherwise permanently mark on any sidewalk, curb, gutter or street.

(Code 1982, § 14-96)

Sec. 62-277. Signs on trees, poles, etc.

No person shall attach or maintain any sign upon any tree or public or private utility pole or structure.

(Code 1982, § 14-97)

Sec. 62-278. Portable signs.

Portable signs are specifically prohibited.

(Code 1982, § 14-98)

Sec. 62-279. Temporary real estate directional signs.

Off-premises temporary real estate directional signs are prohibited.

(Code 1982, § 14-99)

Sec. 62-280. Roof signs prohibited.

No sign shall be located on or project over the roof of a building.

(Code 1982, § 14-100)

Sec. 62-281. Signs in rights-of-way.

No sign shall be erected or affixed within or project over any public right-of-way or across the public right-of-way line extended across a railroad right-of-way line or extended across a railroad right-of-way. No sign shall be erected closer than ten feet from the existing public right-of-way.

(Code 1982, § 14-101)

Sec. 62-282. Sign on fence, wall, etc.

No person shall paint a sign or attach a sign, other than a nameplate sign or a "Bad Dog" sign, to the outside of a fence, railing or a wall which is not a structural part of a building, whether or not such fence, railing or wall is on the property line.

(Code 1982, § 14-102)

Sec. 62-283. Building code.

No sign shall be erected in violation of the building code of the town.

(Code 1982, § 14-103)

Sec. 62-284. Moving signs.

No sign shall be allowed which moves by any means.

(Code 1982, § 14-104)

Sec. 62-285. Luminescent gaseous tubing.

The use of exposed tubes which contain luminescent inert gases, including, but not limited to, neon, argon and krypton, and which are visible from the exterior of structures, is specifically prohibited except as an attached sign which shall conform to this chapter.

(Code 1982, § 14-105)

Sec. 62-286. Interchangeable copy.

Interchangeable copy on any type of sign is specifically prohibited.

(Code 1982, § 14-106)

Sec. 62-287. Obscene, indecent and immoral matter.

It shall be unlawful for any person to display upon any sign any obscene, indecent or immoral matter.

(Code 1982, § 14-107)

State law reference(s)--Obscenity, V.T.C.A., Penal Code § 43.22.

Sec. 62-288. Vehicular signs, prohibited.

Vehicular signs are prohibited.

(Code 1982, § 14-108)

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