

ORDINANCE NO. 2012-006

**AN ORDINANCE REGULATING SIGNS WITHIN THE CITY LIMITS OF OLD RIVER-WINFREE, CHAMBERS AND LIBERTY COUNTY, TEXAS TO REDUCE HAZARDS TO MOTORIST AND PEDESTRIANS, TO ENCOURAGE SIGNS WHICH ARE HARMONIOUS TO THE SITES WHICH THEY OCCUPY, TO PROVIDE AN OPPORTUNITY TO ACHIEVE A REASONABLE BALANCE BETWEEN THE NEEDS OF SIGN AND OUTDOOR ADVERTISING WHILE IMPROVING AND PRESERVING THE VISUAL QUALITIES OF THE COMMUNITY, AND TO PROTECT PUBLIC AND PRIVATE INVESTMENT IN BUILDINGS AND OPEN SPACES WHILE IMPROVING THE COMMUNITIES VISUAL ATTRACTIVENESS AND SIGN REGULATION; CONTAINING A SAVINGS CLAUSE AND PROVIDING PENALTIES FOR VIOLATIONS OF THIS ORDINANCE AND DECLARING AN EFFECTIVE DATE.**

**WHEREAS**, The City Council wishes to improve the community's visual attractiveness and effective outdoor advertising by improving sign regulation; and

**WHEREAS**, Chapter 216 of the Local Government Code authorizes cities to regulate signs; and

**WHEREAS**, the City Council finds that this ordinance is in accordance with Chapter 216 of the Local Government Code ; **NOW THEREFORE**,

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF OLD RIVER-WINFREE, TEXAS:**

**THAT** if any provisions of this ordinance shall be held void or unconstitutional, it is hereby provided that all parts of the same which are not held void or unconstitutional shall remain in full force and effect.

**THAT** any person who shall violate a provision of this ordinance or fail to comply therewith or with any of the requirements thereof, or who shall erect, alter, repair or relocate any sign, or who has erected, altered, repaired, or relocated any sign, in violation of this ordinance shall be deemed guilty of a misdemeanor. Each such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which the violation of any provision of this ordinance is committed, continued or permitted, and upon conviction of any such violation shall be punished by a fine not to exceed \$1,000.00.

**THAT** the following provisions of this ordinance are as follows:

**Sec. 1. Purpose.**

The town recognizes the need for signs. It is intended that this chapter regulate the location, size, construction, erection, duration, use and maintenance of all signs within the jurisdiction of the town.

## **Sec. 2. Objective.**

The town adopts this ordinance to specifically protect the health, safety and welfare of its citizens, to promote property values, to reduce visual pollution, to promote community environmental setting and appearance, and to support the objectives of the individual zoning districts by providing for a comprehensive regulation of outdoor advertising, specifically to include the erection, structural alteration and maintenance of all types of billboards, signs, bills, posters and other outdoor advertising material within the corporate limits of the town.

## **Sec. 3. General provisions.**

It shall be unlawful for any landowner, tenant, contractor or other person having responsibility or control of any premises, to suffer, permit or allow placement, erection or maintenance of any sign or display case of any type within this town other than publicly maintained street or directional signs, except as specifically provided for in this chapter.

## **Sec. 4. Interpretation.**

Nothing in this chapter shall be construed to give the rights to any person to erect or maintain any outdoor advertising in any zone or district of the town wherein the particular form of outdoor advertising is prohibited by deed restrictions, zoning or other ordinances, state or federal law or regulations.

## **Sec. 5. Projection over public property or public right-of-way.**

No sign shall extend over public property or public right-of-way.

## **Sec. 6. Health, safety, welfare.**

Whenever unusual circumstances arising out of unique conditions surrounding a building site or caused by its occupancy give rise to problems of health, safety and welfare that could be substantially alleviated by use of a sign, such sign as may be necessary for the purpose involved, may be temporarily erected upon approval of the building official or a designated representative. Such approval shall be temporarily given at the time an application is made to the town. Such temporary approval shall be granted only for the time period necessary for the routine approval or disapproval of the sign by the board of aldermen. Such signs shall be restricted to the minimum area necessary to accomplish the purpose for such signs.

## **Sec. 7. Alarm device signs.**

It is essential that when alarm devices are installed on residential buildings that identification be given as to the company, person, representative or agency to be contacted in case of its activation. Only one such sign shall be allowed per street face for each system installed and the sign area shall be limited to 140 square inches, except additional signs may be permitted by the board of aldermen upon application, only when such signs are found by the board to be necessary for the safety and welfare of the occupants or property involved.

## **Sec. 8. Construction signs.**

Whenever a building permit had been issued for the construction, alteration or repair of a structure, and work is in progress on the site pursuant to such permit, contractors or architects engaged in such work during the time such work is going on, may display on the site their sign, which may be either made of materials permitted for permanent or temporary signs as prescribed in this chapter, provided, however, that the following area requirements are complied with:

- (1) No such individual sign displayed on the building site shall be of an area larger than 20 square feet.
- (2) No individual contractor or architect shall display more than one sign on any building site at any given time.
- (3) The total area of construction signs displayed at one time on the building site, considered together, shall not exceed 30 square feet.

## **Sec. 9. Temporary signs.**

- (a) Generally. Temporary signs are such signs as may be needed from time to time to indicate that the premises are for sale or for rent.
- (b) Number and size. Such signs shall be limited to one such sign for each property frontage involved and no single sign shall exceed 20 square feet in area or contain lettering exceeding 12 inches in height.
- (c) Contents. Such signs shall contain only the following information:
  - (1) That the property is for sale, lease or exchange by the owner or his/her agent.
  - (2) The owner's or agent's name.
  - (3) The owner's or agent's address and telephone number.
  - (4) When appropriate to the occasion, the words "open house" or "inquire within."



(d) Conditions. Such signs shall not be located on or over public property and may only be displayed on the property that is for sale, exchange or lease. Temporary signs may be made of the same material permitted for permanent signs, and in addition, may be made of less durable materials and woods such as pasteboard; but in no event shall be self-illuminated, luminescent, fluorescent, or have any characteristic which will make them glow or shine. Such signs shall be removed upon agreement of sale, exchange or lease.

#### **Sec. 10. Removal of signs, display cases.**

(a) Generally. Signs or display cases which have been abandoned due to a closing of a business, a change in business name or for any other reason rendering the sign or display case not applicable to the property involved, shall removed by the permit holder or the owner of the building or premises within ten working days from the date of the action that caused the sign or display case to be considered abandoned. A condition of approval for all signs or display cases shall be that the permit holder or owner of the building of premises, at his/her own expense, remove all signs or display cases. An abandoned sign or display case may be removed by the town after the ten-working-day period, and the permit holder or owner may be charged for the cost of removal. New signs for a building or property on which an abandoned sign is located shall not be approved until the abandoned sign is removed. Approval may be given on the condition that the abandoned sign is removed before a new sign is erected.

(b) Hearing. The board of aldermen shall hold to determine when a sign or display case is abandoned. Ten days' written notice of the hearing shall be sent by certified mailed to the permit holder at his/her last known address, and to any other address at which there is reason to believe he/she might receive mail, and to the owner at his/her address. The notice shall state:

- (1) A general description of the sign or display case.
- (2) That upon a finding of abandonment, the sign or display case shall be held by the town for 15 working days and then disposed of by sale if determined to be of a value of \$100.00 or more, or disposed of in any manner if worth less than \$100.00.
- (3) Where the sign or display case may be reclaimed.
- (4) that the reasonable cost of removal may be assessed at the hearing along with an administrative charge.
- (5) That the hearing and assessments can be avoided by the removal of the sign or display case within 72 hours after the date of the notice.

(c) Cost assessment. The board of aldermen shall determine the reasonable cost to the town of removing the sign or display case and if administrative charge should be assessed.

Administrative cost shall be \$100.00 unless otherwise determined by resolution of the board. Proceeds shall be first applied to pay assessed cost, administrative cost, and other cost reasonably incurred.

**Sec. 11. Time limitation of approved applications.**

Approved applications for signs or display cases shall be considered null and void when any of the conditions below are found to exist:

(1) That such sign or display case was not built or placed in accordance with the approval **NOW THEREFORE** (2) That the sign or display case was not placed on the site within 90 days of approval and no extension of time has been granted by the approving body.

(3) That the business license has lapsed or become inactive, or the sign is considered abandoned as described in section 10.

**Sec. 12. Signs and display case within commercial districts.**

(a) Generally. All signs or display cases in the commercial districts require a sign permit. The building official may, subject to the standards set forth in this chapter, temporarily approve an application for a sign or display case. Such approval shall expire at the next meeting of the board of aldermen. All permits shall be for a specific location and the moving of such signs or display case shall require a new permit. The regulations in this section shall apply within commercial districts.

(b) Prohibit signs and display cases. No sign or display case shall be permitted that;

- (1) Does not pertain to a commercial use on the site.
- (2) Is incompatible in design with the building and space allotted.
- (3) Is flashing, illuminated, phosphorescent, moving or primarily glossy.
- (4) Contains lettering exceeding 12 inches in height.
- (5) Projecting or extends above the eave or parapet line, if attached to any structure.
- (6) Is for a business which does not have an active business license on file with the town.
- (7) Exceeds 24 square feet in area.
- (8) Could create confusion to the public or police and fire response call in emergencies, or tends to degrade the character of the town, affect the peace, health and welfare of the community or result in a degradation of property values and/or an increase in the cost of municipal services.



(c) Maximum allowable sign area. The maximum aggregate area of all signs shall not exceed the following for buildings within the commercial district.

(1) A building with 40 feet or less frontage on a public way shall not exceed 16 square feet of exterior signs and ten square feet of interior signs.

(2) A building with frontage greater than 40 feet on a public way shall not exceed four square feet of signs for each ten feet of frontage or major fraction thereof; up to a maximum of 24 square feet for exterior and 20 square feet for interior signs.

(3) A building with frontage on more than one public way shall not exceed four square feet of signs for each ten feet of frontage on any building face for both interior and exterior signs, up to maximum of 20 square feet unless the building elects not to place signs on one of the faces in which event the provision of subsection (c)(2) of this section will apply.

(4) A building designed in such a way as to have business location within the interior of the structure served by an interior mail or by other means of ingress and egress by the public shall be limited to one sign at each entry identifying the building or mail name and a directory which may contain the names of all businesses within the building. Individual businesses within the building shall be limited to one projecting sign not to exceed three square feet in area or one flat sign not to exceed six square feet in area when approved by the board of aldermen. Interior business locations shall not be entitled to individual signs on the exterior of the building adjacent to the public way or individual signs within the mall or walkway area of the building other than as permitted in this subsection.

(5) The board of aldermen may make special exemptions to the allowable areas in this subsection where hardship is incurred or when unusual design of a building requires special consideration.

(d) Signs exempt from formal review.

(1) Interior signs of 160 square inches or less when the aggregate area does not exceed that allowable for interior signs.

(2) Temporary signs as provided for in this chapter.

(3) Political signs so long as they do not exceed that maximum square footage provision of this section. Thirty days after the election, which includes any runoff election, all political signs pertaining to such election shall be removed or be subject to removal by the town. Candidates shall be responsible for removal of their political signs. If the town removes the signs, it may assess the candidate the actual cost of removal.

(4) Signs advertising civic events sponsored by the town, Old River Winfree or other local civic clubs provided that no sign shall be allowed to remain posted longer than seven days before the

event and be removed within 24 hours of the conclusion of the event. Location of these temporary signs must be approved in advance by the town manager or his designee.

(e) Sign area. In calculating the area of signs, the following shall apply:

(1) All faces of a multifaced sign shall be included except for double-faced signs in which case only one face shall be included.

(2) For irregular shaped signs, the area shall be that of the smallest rectangle that will wholly contain the sign.

(3) That with the exception of signs which are allowed to be painted directly on a wall the area of a sign shall include the board or other material of which the sign is a part, including framing, visual or otherwise, but exclusive of the brackets from which the sign is hung.

(f) Standards for display cases.

(1) All display cases shall be in size and scale with their surroundings and shall be designed in keeping with the existing architecture.

(2) Display cases shall not exceed ten square feet in area or ten cubic feet in total volume.

(3) Display cases shall contain but one sign no larger than necessary to identify the owner of the case and direct the public to the store where the merchandise displayed is sold. The sign shall not exceed 24 square inches.

(4) Display cases shall be located on the same property as the business premises to which the display case applies.

(5) All display cases shall be maintained in accordance with the approval granted for their placement.

(6) Merchandise displayed in the case shall be typical of products for sale in the business premise and the case shall not be used to display wares of another business located elsewhere or of merchandise not available in the store to which the display case has been permitted.

(g) Special exceptions. The board of aldermen may consider resolutions which grant special exceptions to this subsection where hardship is incurred or where unusual circumstances warrant special consideration.

### **Sec. 13. Residential districts.**

(a) Generally. It is recognized that no house numbering system exists in most parts of the town, and house signs featuring either the name of the house or the name of the occupant, or both, have historically served a necessary function in locating residences and their occupants by a method deemed preferable to a house numbering system. It is further recognized that there are other

situations wherein the use of signs by property owners in the residential district is deemed appropriate; such signs, however, to be subordinate to the primary signs naming the house or occupants. To provide appropriate regulation of such signs, this section is enacted. The regulations in this section shall apply to all signs in the residential districts.

(b) Prohibited signs. The following signs are prohibited in residential districts:

(1) Self-illuminated, luminescent, fluorescent signs or signs having any characteristic which makes them glow or shine.

(2) House name signs and occupant name plates exceeding two square feet each in area and signs designated "No Handbills Allowed" or "No Soliciting Allowed" exceeding two inches by 12 inches.

(3) Signs other than temporary signs described elsewhere in this chapter, which are made of cardboard or less permanent material.

(4) Permanent signs exceeding an aggregate area of four square feet when not otherwise authorized through a use permit.

(5) Temporary signs which:

- a. Exceed four square feet in area.
- b. Have letters exceeding four inches in height.
- c. Total more than two such signs on a single-family building site.
- d. Construction signs exceeding that allowable under this chapter.
- e. Any sign not expressly allowed in this chapter.

(c) Allowable signs. The following signs are allowable in residential districts:

(1) House name signs and occupants' name plates.

(2) House name signs and occupants' name plates are those signs which, by their nature and wording, identify either the house or its occupant, or both, and which essentially take the place of house numbers. Such signs may include pictorial and decorative designs as well as words, and may be in any shape or form, but shall not exceed four square feet in area. The name of a ranch or farm when incorporated into an entranceway or gate to the property is exempt from these provisions if such has been approved by the board of aldermen.

(d) Home occupation signs. Home occupation signs are those signs designating a permitted home occupation in the residential district being carried on at the site. The legend designating the home occupation may be merged with house names of occupant's type sign, thus constituting



one sign: or may, at the occupant's option, be stated on a separate sign; providing, however, that such separate sign shall not exceed an area of two square feet.

(e) Temporary signs. Temporary signs shall be as provided for in this chapter. In addition, one garage sale, rummage sale or estate sale sign not exceeding three square feet or having letters exceeding three inches in height may be displayed on the site during the hours of the sale.

(f) Political signs. Political signs may be placed on the property provided they do not exceed four square feet in area provided that:

(1) No political sign may be placed in the public roadway or easement adjacent to such roadway or placed in any location which cause a traffic hazard by obscuring or in any manner blocking the vision of any driver of a vehicle using the public street or entering any such street.

(2) Thirty days after the election, which includes any runoff election, all political signs pertaining to such election shall be removed or be subjected to removal by the town pursuant to the provisions of this chapter.

#### **Sec. 14. Construction.**

(a) Generally.

(1) All signs shall be constructed and supported to withstand a horizontal pressure of 30 pounds for every square foot of exposed surface. All structural members, hangers, braces, tie rods, cables, anchors and fastenings shall be of sufficient strength to withstand the stresses that may be brought upon them with a factor of safety of six.

(2) Signs weighing 20 pounds or less attached to the wall of a building may have the cable or wire hanger anchored with an expansion shield and bolt; provided, that the wall is sound and the projection of the sign is not excessive in relation to the size of the wall and pitch of the hanger. Wall anchors for guy cable or wires for each size shall be expansion shields and bolts or though bolts fastened on the opposite side of the wall. No staples or nails shall be used for anchoring any guy wire or cable.

(3) Where signs and sign frames are supported or suspended with chains or wire, chains or wire of not less than No. 8 B & B standard gauge shall be used. Chain supports shall have welded links of not less than 3/16 of an inch in diameter. No cable shall be tied or loosely twisted around any anchor or any other support, but shall be properly sized around the anchor or joined into a loop and the loose end fastened to the standing part of the cable with approved clips or clamps. Where signs are bolted to support, the bolts shall be supplied with lock nuts. All cable and wire used in hanging signs shall be galvanized. All other supports and exposed structural parts shall be maintained in a safe condition at all times and kept in good condition and repair.

(b) Signs erected upon or anchored to fire wall or coping. No sign shall be erected upon the fire wall or coping of any building unless such wall is especially designed to carry the additional load. No sign shall be anchored to such wall, but shall be attracted to and supported by other structural parts of the building.

(c) Glazing: strength of glass. The glazing of signs shall be done in a substantial manner. Glass shall be well bedded in putty and secured in substantial frames of copper or zinc tracery. Glass may be plate or double strength. In no case shall glass less than one-eighth of an inch in thickness be used. No single light of plate glass shall exceed 200 square inches in area. No light of double strength glass shall exceed 600 square inches in area.

(d) Obstruction of light and utilities. No outside advertising shall be so placed as to appreciably obstruct the lighting of any street, alley or public property, or interfere with any public utility service or traffic control device.

(e) Obstruction of fire escapes. No sign of any kind shall be placed in any position in such a manner as to obstruct any fire escape, door, window or other passageway leading to a fire escape or to a street exit, nor shall a sign be fastened in any manner to a fire escape.

#### **Sec. 15. Placement on another's property.**

It shall be unlawful for any person to post, paint or otherwise exhibit any billboard, advertisement, poster, bill or other notice or sign, on any property not owned or controlled by him, without the permission of the person owning or controlling such property.

#### **Sec. 16. Placement on vehicles.**

It shall be unlawful for any person to place or cause to be placed anywhere in the town, any poster, placard, handbill, or advertising material on any vehicle, or in any location, in such a manner that the poster, placard, handbill, or advertising material may reasonably be expected to be blown about by the wind. It shall be presumed that the person's name that appears on such poster, placard, handbill, or advertising material has knowledge of the location and manner that such item was placed. It shall be further presumed that is a large number of such items are found scattered about and being blown about by the wind that the item were placed in such a manner that they might reasonably be expected to be blown about by the wind.

#### **Sec. 17. Placement of outdoor advertising on trees, rocks, other natural features.**

Is shall be unlawful for any person to erect, maintain or paint any sign, billboard or other outdoor advertising upon a tree, rock or other natural feature.

#### **Sec. 18. Prohibited advertising devices.**

The following types of signs and advertising devices are not permitted within the corporate limits of the town:

- (1) Advertising searchlights.
- (2) All off-premises commercial signs and billboards.
- (3) Any signs on a single or double pole structure that extend into the air more than eight feet as measured from the top of the structure to the grade under the sign.
- (4) Shy signs.
- (5) Street banners or festoons.
- (6) Off-premises banners.
- (7) Sandwich or "A-frame" signs.
- (8) Sidewalk or curb signs.
- (9) Tethered pilotless balloons or other gas-filled advertising devices.
- (10) Signs placed on vehicles and used as stationary advertising devices.
- (11) Mobile advertising.
- (12) Changeable copy sign.

**Sec. 19. Functions of the board of aldermen.**

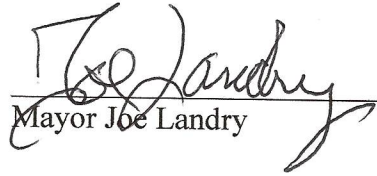
The board of aldermen will review all applications for signs and display cases, grant or deny such applications, and issue sign permits. In reviewing the applications, the board will uphold the provision of this chapter and will ensure that the signs will be compatible with the property and use thereof, and will not create hazards, confusion, poor aesthetics, loss of business, clutter and garishness, adversely affect the stability and value of property, or produce degeneration of property with attendant deterioration of conditions affecting the peace, health and welfare of the town.

ADOPTED and EFFECTIVE on this the 12 day of October, 2012

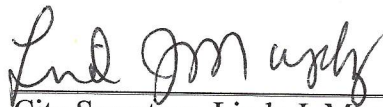
THE CITY OF OLD RIVER-WINFREE



APPROVED:

  
Mayor Joe Landry

ATTEST:

  
City Secretary, Linda J. Murphy