

ORDINANCE NO. 2021-07-09

**AN ORDINANCE ESTABLISHING CHAPTER 15 – SIGNS OF
THE CITY OF GREY FOREST CODE OF ORDINANCES,
PROVIDING FOR REGULATIONS ON NON-TRAFFIC
CONTROL SIGNS, LICENSES, AND PERMITS, AND
PROVIDING FOR CIVIL AND CRIMINAL PENALTIES**

WHEREAS, the City of Grey Forest is a general law Type A city nestled in a natural setting with premier residential neighborhoods in Bexar County, Texas; and

WHEREAS, the City of Grey Forest desires to protect and preserve its natural aesthetic beauty and the integrity of its residential ambience by limiting the negative effects of sign proliferation; and

WHEREAS, there are numerous and complex laws and court rulings which address sign regulation and the freedom of speech provisions grounded on the United States and State of Texas Constitutions; and

WHEREAS, Chapter 393 of the Texas Transportation Code authorizes the City of Grey Forest to regulate the placement of signs on the right-of-way of a road or highway maintained by the city; and

WHEREAS, Chapter 216 of the Texas Local Government Code authorizes the City of Grey Forest to regulate signs within its corporate limits or extraterritorial jurisdiction; and

WHEREAS, Chapter 259 of the Texas Election Code contains regulations pertaining to political signs (i.e., signs that contain primarily a political message). Therefore, this ordinance does not seek to regulate political signs; and

WHEREAS, the City Council for the City of Grey Forest desires to implement sign regulations that are aligned with state and federal law; and

WHEREAS, the City Council finds that signs that obstruct views, distract motorists, displace alternative uses for land, and pose other problems legitimately call for regulation; and

WHEREAS, the City Council finds that the city is made up of only approximately 403 acres and is surrounded by other jurisdictions such as Helotes and San Antonio which prevents further growth; and

WHEREAS, the City Council finds the city is comprised of two residential zoning districts and only one grandfathered commercial entity; and

WHEREAS, the City Council finds it must regulate the structure, location, and type of signage utilized by property owners to balance the interests of all citizens; and

WHEREAS, the City Council finds it has the authority to regulate signs, placement, construction, use, and may license public property for specific purposes authorized by state law; and

WHEREAS, to protect the general health, safety, and welfare of the public, the City Council establishes Chapter 15 – Signs of its Code of Ordinances to accommodate the changes in the law, circumstance, and needs of the community.

I.

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREY FOREST, TEXAS CITY COUNCIL THAT it hereby adopts the following Chapter 15 – Signs of its Code of Ordinances in its entirety:

Chapter 15 – SIGNS

Article 15.01 General Provisions

Sec. 15.01.001 Purpose

The purposes of this chapter are:

- (1) To provide reasonable measures for the control of signs throughout the city.
- (2) To protect the health, safety, and general welfare of the city and its residents.
- (3) To reduce possible traffic and safety hazards.
- (4) To encourage signs that are well maintained and pleasing in appearance.
- (5) To preserve the positive city image and aesthetic and protect property values.

Sec. 15.01.002 Definitions

- A. Unless specified otherwise within this chapter, all words and phrases are subject to the interpretive provisions of Sec. 1.01.004 of the City of Grey Forest Code of Ordinances.
- B. Specific definitions:

Billboard. See definition for “Off-Premise Sign”.

Commercial Message means a message which is placed or caused to be placed before the public by a person, institution, association, non-profit organization, a group or business enterprise directly involved in the manufacture or sale of products, or the providing of property, accommodations, services, attractions, or activities or possibly those things which are the subject of the message and that:

- (1) refers to the offer for sale or the existence of products for sale, or providing of property, accommodations, services, attractions, or activities; or
- (2) attracts attention to a business, entity, or to products, property, accommodations, services, attractions, or activities that are offered by the entity referenced.

The term also includes any signs for institutional or association uses on property or for services.

The term “commercial message” does not include any message for services, property, accommodations, attractions, or activities provided by the government of the United States, the state, a federal or state agency, or a political subdivision of the state.

Commercial Sign means a sign displaying or attempting to display or designed to display a commercial message. A sign may display non-commercial messages in addition to commercial messages without losing its designation as a commercial sign.

Event Sign means a sign that displays any message directing attention to a social occasion, activity, or sale of a house.

Government Sign means a sign that is constructed, placed, or maintained by the federal, state, or local government, or a sign that is required to be constructed, placed, or maintained by the federal, state, or local government.

Mobile Billboard means a sign installed or displayed on a motorized vehicle or a trailer which is parked or located in the public right-of-way for the primary purpose of displaying said sign. The term does not include a sign that is displayed on a vehicle operated in the normal course of course of the vehicle owner’s business, if the sign contains advertising or identifying information directly related to the vehicle owner’s business and is not parked or located in the public right-of-way for the primary purpose of advertising the business.

Non-Commercial Sign means a sign which is placed or caused to be placed before the public and displays a message that is not a commercial message as defined in these Codes of Ordinances.

Off-Premise Sign means a sign that displays any message directing attention to a business, product, service, profession, commodity, activity, event, person, institution, or other commercial message which is generally conducted, sold, manufactured, produced, offered, or occurs elsewhere than on the premises where the sign is located.

On-Premise Sign means any commercial advertising signs on business premises provided that the display area of such sign shall be restricted to advertising only the particular business operating on the property on which the sign is installed.

Portable Sign means any structure without a permanent foundation or otherwise permanently attached to a fixed location, which can be carried, towed, hauled or driven and is primarily designed to be moved rather than be limited to a fixed location regardless of modifications that limit its movability. A handheld sign shall be considered a portable sign.

Sign means any device, display, plaque, poster, design, painting, drawing, graphic, or other object which is arranged, intended, located, placed, arranged, erected, or that includes text or images for the primary purpose of attracting attention to a building, premises, commodity, product, business, service, or activity, or which conveys information or instructions or communicates about the same.

The following are not signs for purposes of this chapter:

- (1) All national or state flags;
- (2) Non-electric window displays;
- (3) An image displayed on the interior wall of a building;
- (4) Decorative or architectural features of buildings or onsite landscape features which do not include lettering or moving parts;
- (5) Items or devices of personal apparel, decoration, or appearance, including tattoos, makeup, wigs, costumes, masks, or similar accessories;
- (6) All handbills, pamphlets, and other material traditionally utilized to be handed out and distributed; and
- (7) Holiday and seasonal decorations.

Snipe sign means a sign that advertises a business or other commercial activity and is attached to trees, utility poles, public benches, traffic signs, or streetlights.

Traffic Control Device shall mean any device installed by a federal, state, or local entity on the public right-of-way for the purpose of directing and controlling traffic within the city and which meets the design and placement requirements of Texas Manual on Uniform Traffic Control Devices.

Sec. 15.01.002 Government Signs

Government signs, including all municipal signs, are excepted from the application of this chapter.

Sec. 15.01.003 Traffic Control Devices

A traffic control device placed by a governmental entity is not considered a sign for purposes of this chapter. Such devices are regulated by Chapter 12 of this Code of Ordinances and by other state law and agency rules.

Article 15.02 Prohibited and Authorized Signs

Sec. 15.02.001 Prohibited Signs

All signs are prohibited unless expressly authorized by this chapter. Such prohibited signs include, but are not limited to:

- (a) Billboards
- (b) Off-premises signs
- (c) Snipe signs
- (d) Mobile Billboards

- (e) Signs painted on rooftops and rooftop signs, in general
- (f) Digital signs
- (g) Ground sign marquees
- (h) Signs with flashing or strobing lights or other light fixtures erected in violation of Section 17 of Article 14.02 Zoning Ordinance of the Grey Forest Code of Ordinances.
- (i) Unsafe, unstable, damaged, or deteriorated signs
- (j) Signs in the city's right-of-way, unless otherwise permitted by this chapter.
- (k) *Fee Payment Signs.* A property owner may not accept a fee for posting or maintaining a sign, and any sign that is posted or maintained in violation of this provision is prohibited.
- (l) Notwithstanding any other provision of this chapter, no sign shall be erected, displayed, or allowed to remain where such sign creates confusion, impairs hearing or vision, or otherwise distracts or poses a potential danger or threat of danger to automotive drivers and pedestrians using any public street; as determined by the Police Department Chief.
- (m) *Signs Interfering with Public Employees.* Irrespective of any message or information conveyed, no posting, display, or carrying of a sign can be utilized in such a manner as to disrupt the normal working conditions of public employees at their regular location of work or any other location required by their job duties.

Sec. 15.02.002 Exception; Existing Grey Moss Inn

The city's zoning ordinance, Article 14.02 of the Code of Ordinances, currently permits "Existing Grey Moss Inn" as an allowed general use in Districts A and B. The Grey Moss Inn is the only "business typically not performed at home" establishment permitted in the city and was grandfathered at the adoption of the original zoning ordinance. Given the unique nature of the city, its small size, and limited commercial zones, the grandfathered status of the Existing Grey Moss Inn is considered unique and exempt from this chapter to the extent the Existing Grey Moss Inn's existing sign remains standing and maintained. The existing sign dimensions, location and structure are grandfathered as of the date of the adoption of Article 14.02 of the Code of Ordinances. An establishment that operates under the "Existing Grey Moss Inn" use may use a single, on-premises commercial grandfathered sign to identify and advertise its business.

Sec. 15.02.003 Authorized Signs

- (a) *Portable signs* are authorized signs if the portable signs are hand-held, static, are not permanently attached to the ground or to a permanent structure, have no moving parts, no lights and can be carried by a single person from place to place. Portable signs must have a sign face of no greater than three (3) square feet.

- (b) *Property Address Identification Required.* Each property owner must mark their property using numerals that identify the address of the property so that public safety departments can easily identify the address from the public street. To assist in easy identification, property addresses may be illuminated and/or reflective. Any and all lighting must comply with Section 17 of Article 14.02 Zoning Ordinance of the Grey Forest Code of Ordinances.

Article 15.03 Sign Regulations

Sec. 15.03.001 Structure, Location, and Maintenance

- (a) A property owner or occupier of property in Districts A and B may place signs upon their private property as long as the signs:
- (1) do not have a sign face larger than nine (9) square feet, unless otherwise expressly authorized by state law,
 - (2) do not exceed six (6) feet in height from the grade of the property to at the point of sign placement.
 - (3) do not have moving parts,
 - (4) do not emanate sound,
 - (5) do not have flashing lights, and
 - (6) do not have a commercial message.
- (c) In general, all signs must be located on an individual's private property. However, an event sign that complies with the requirements of this chapter may be placed in the public right-of-way. To avoid confusion and promote truthful communication through signs, all event signs placed in the public right-of-way must be removed within seventy-two (72) hours after any event depicted on the sign has passed.
- (d) All signs must be maintained and remain safe, stable, and without significant damage or deterioration.
- (i) The owner of the sign or the person in charge of or in possession of the premises shall be responsible for the maintenance of the sign(s) and for ensuring compliance with the requirements prescribed by this chapter.
 - (ii) The sign owner or person in charge of or in possession of the premises shall maintain the sign(s) in a structurally safe condition, freshly painted and/or in good repair and shall replace, repair, repaint, restore a damaged sign as promptly as possible.
 - (iii) The sign owner or person in charge of or in possession of the premises shall repair or replace a damaged sign within ten (10) business days of receiving a written request to repair or replace from the city.
 - (iv) The sign owner or person in charge of or in possession of the premises shall routinely check that a sign is kept in a state of repair that is aesthetically acceptable and does not present a safety hazard to the community.

Sec. 15.03.002 State Authorized Signs.

Any sign which the city is required, by express statutory law, to allow is an authorized sign.

Sec. 15.03.003 Special Exceptions

The City Council retains the power to grant a special exception to enable the construction and/or placement of a sign that would otherwise not be permitted under this chapter, but only if:

- (1) The City Council performs an individualized assessment and believes the denial of the sign, even though correct under this chapter, would have the effect of violating:
 - i. The Religious Land Use and Institutionalized Persons Act of 2000, §§ 5(g), 8(7)(A), 42 U.S.C.A. §§ 2000cc-3(g), 2000cc-5(7)(A); or
 - ii. Texas Religious Freedom Restoration Act (TxRFRA), Texas Civil Practice & Remedies Code § 110.001 *et seq.*
- (2) The City Council performs an individualized assessment and finds a reasonable accommodation is legally required to comply with:
 - i. Americans with Disabilities Act of 1990 § 302, 42 U.S.C.A. § 12182;
 - ii. Fair Housing Act; or
 - iii. Community Homes for Persons with Disabilities Act found in Tex. Hum. Res. Code Ann. § 123.001 *et seq.*

The property owner seeking a special exception shall do so in writing to the City Secretary. The City Secretary shall place the application for special exception on the next City Council meeting agenda or schedule a special meeting to address the application.

Article 15.04 Public Property

Sec. 15.04.001 Signs on Public Property

Pursuant to Chapter 393 of the Texas Transportation Code, the city may regulate the placement of signs on public property controlled and maintained by the city. In accordance with that authority, the city may place governmental signs on public property. A person may post or place an event sign that complies with the requirements of Chapter 15 of the Grey Forest Code of Ordinances in the public right-of-way. To avoid confusion and promote truthful communication through signs, all signs placed in the public right-of-way must be removed within seventy-two (72) hours after any event depicted on the sign has passed.

Article 15.05 Enforcement and Penalties

Sec. 15.05.001 Notice and Opportunity to Cure

Before any criminal citation shall be issued or civil suit is initiated, a notice shall be sent to the owner or person in charge of the sign that is in violation of this chapter. The owner or person in charge of the sign shall then have ten (10) days from receipt of such notice in which to remedy the violation and come into compliance.

Sec. 15.05.002 Criminal

A person who commits a violation of any section of this chapter shall, upon conviction, be punished according to the general penalties described in section 1.01.009. Each and every day of a violation shall constitute a separate offense and each sign so erected in violation is a separate offense per day. Any person who places, causes to place, or authorizes placement of any sign which is erected and placed in non-compliance with any portion of this chapter shall be guilty of a Class C misdemeanor, punishable pursuant to the general penalties described in section 1.01.009 of the City's Code of Ordinances.

Sec. 15.05.003 Civil Enforcement

Civil enforcement of this chapter is authorized. Any person or entity who places, causes to place, or authorizes placement of any sign which is erected and placed in non-compliance with any portion of this chapter shall be subject to suit to enforce this ordinance, including civil penalties. Each sign erected and placed in noncompliance with this chapter is a separate violation and each day the sign remains before abatement is a separate violation attributable, jointly and severally, to the property, property owner, and any person, corporation or other legal entity which facilitates the non-compliance. Any violator shall be subject to civil enforcement of this chapter and have civil penalties imposed at a maximum of \$250.00 per violation. The City Attorney or designated legal counsel is authorized to bring suit in a court of competent jurisdiction to enforce this chapter.

II. CUMULATIVE CLAUSE

That this Ordinance shall be cumulative of all provisions of the City of Grey Forest except where the provisions of this Ordinance are in direct conflict with the provisions of such Ordinance, in which event the conflicting provisions of such Ordinance are hereby repealed.

III. SEVERABILITY

That it is hereby declared to be the intent of the City Council of the City of Grey Forest that the phrases, clauses, sentences, paragraphs, and sections of this Ordinance are severable, and if any phrase, clause, sentence, paragraph, or section of this Ordinance should be declared unconstitutional by the valid judgement or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, or sections of the Ordinances, since the same would have been enacted by the City Council without incorporation in this ordinance of any such unconstitutional phrases, sentences, paragraphs, or sections.

**IV.
PROPER NOTICE AND MEETING**

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

**V.
EFFECTIVE DATE**

This ordinance shall be effective upon passage and publication as required by state and local law. **Passed** by the City Council of the City of Grey Forest this the 27th day of July 2021.

CITY OF GREY FOREST, TEXAS



Charles Mitchell Thornton, Mayor

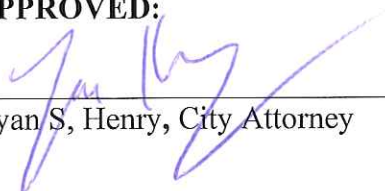
ATTEST:



Miguel Cantu, City Secretary



APPROVED:



Ryan S. Henry, City Attorney

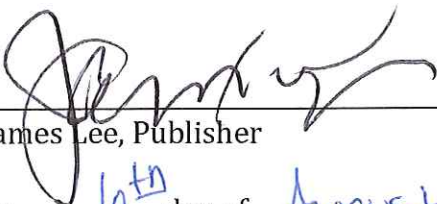


State of Texas

County of Bexar

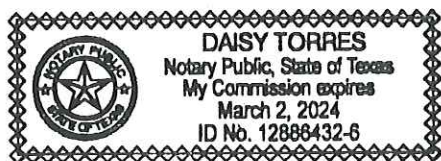
I solemnly swear the enclosed notice was published 1 time(s) in The Helotes Echo, a newspaper published in Helotes, County of Bexar, Texas and of general circulation in said county, as provided in the Texas Probate Code for the service of citation or notice by publication.

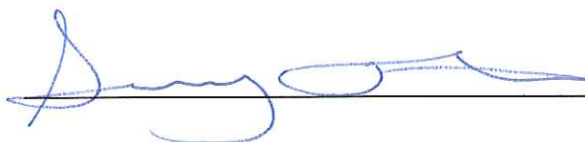
The date of said notice was published on 30th day of July, 2021. A copy of the notice published, clipped from the newspaper, is enclosed hereto.



James Lee, Publisher

Subscribed and sworn before me this 6th day of August, 2021.
To certify which witness my hand and seal of office.





Notary Public, State of Texas

Legal Notice

ORDINANCE NO. 2021-07-08

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GREY FOREST, TEXAS, AMENDING THE CITY OF GREY FOREST CODE OF ORDINANCES, CHAPTER 9, "PERSONNEL," ARTICLE 9.02 ENTITLED "POLICE DEPARTMENT," BY ADDING DIVISION 3 PROVIDING FOR THE ESTABLISHMENT OF A POLICE RESERVE FORCE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR ENGROSSMENT AND ENROLLMENT; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.

PASSED AND APPROVED July 27, 2021

/s/ Miguel Cantu, TRMC

City Secretary

City of Grey Forest

ORDINANCE NO. 2021-07-09

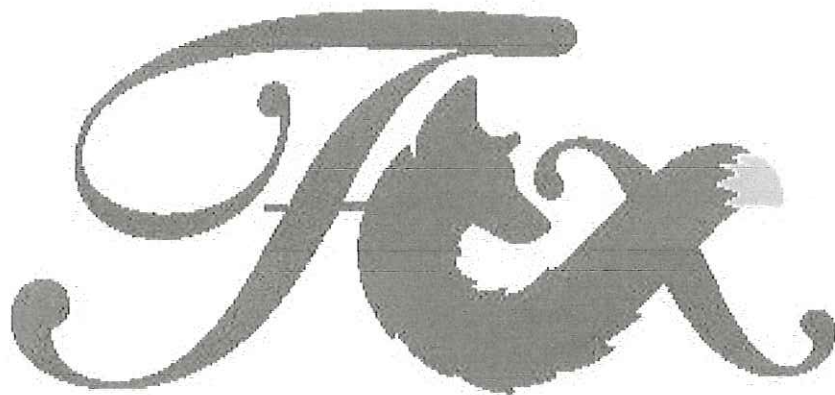
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PASSED AND APPROVED July 27, 2021

/s/ Miguel Cantu, TRMC

City Secretary

City of Grey Forest



KITCHEN
& BATH

210.974.9970
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