

**STATE OF TEXAS  
COUNTY OF WALLER  
CITY OF HEMPSTEAD**

**BE IT REMEMBERED** that on the 5<sup>th</sup> day of July A.D., 2022 at 6:00 P.M. the City Council met in a Special Meeting at the Hempstead Recreation Center, 635 Business Highway 290 E, Second Floor, Hempstead, Texas, there being present, to-wit:

Erica Gillum, Mayor  
Lonnie Garfield, Mayor Pro-Tem  
Cindy Pearce, Councilmember  
Raul Villarreal, Councilmember  
Chase Murray, Councilmember  
Mildred Jefferson, Councilmember

Art Pertile, City Attorney  
Barbara Haffelfinger, City Secretary

Others present at the meeting included Bridgette Begle, Sabrina Alvarez, David Hartley, Kollye Kilpatrick, Rooster Smith, Pedro angel Mico Msogo, Cheryl Hardwick, Phil Richey, Cotos Williams, Katherine Ward, Rev. Mcneil, Barbara Manuel, Annette Baker.

Mayor Erica Gillum called the meeting to order at 6:00 P.M. and Mayor Pro-Tem Lonnie Garfield gave the invocation.

The Pledge of Allegiance was given.

Under public comments Cheryl Hardwick spoke about the upcoming Watermelon Festival, and wanted to thank Hempstead PD and City workers for all their help and their support.

A Resolution was introduced by Councilmember Chase Murray. The motion was seconded Councilmember Raul Villarreal and carried the following vote to wit:

AYES: Mayor Pro-Tem Lonnie Garfield, Councilmember Cindy Pearce,  
Councilmember Raul Villarreal, Councilmember Chase Murray,  
Councilmember Mildred Jefferson

NOES: None

ABSENT: None

**RESOLUTION  
NO. 22-031**

**STREET CLOSURES FOR  
2022 WATERMELON FESTIVAL**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF HEMPSTEAD, TEXAS:**

That the following streets will be closed during the 2022 Watermelon Festival:

**1. FAMILY NIGHT**

Closure for 11<sup>th</sup> Street/Red River to be closed at the Corner of Austin Street to the corner of Main Street in front of the Chamber of Commerce building and for the corner of 11<sup>th</sup> Street/Red River Street at Main to be closed to the corner of 10<sup>th</sup> Street **on Thursday, July 14<sup>th</sup> from 5:00 pm to 11:00 pm; Friday, July 15<sup>th</sup> from 5:00 pm to Midnight; and Saturday, July 16, 2022 from 10:00 AM to Midnight.**

**PASSED AND APPROVED** this the 5<sup>h</sup> day of July A.D., 2022.

**APPROVED:**

**/s/:Erica Gillum, Mayor**

**ATTEST:**

**Barbara Haffelfinger, City Secretary**

An Ordinance was introduced by Mayor Pro-Tem Lonnie Garfield. The motion was seconded Councilmember Cindy Pearce and carried the following vote to wit:

**AYES:** Mayor Pro-Tem Lonnie Garfield, Councilmember Cindy Pearce, Councilmember Raul Villarreal, Councilmember Chase Murray, Councilmember Mildred Jefferson

**NOES:** None

**ABSENT:** None

## ORDINANCE NO. 22-112

**AN ORDINANCE OF THE CITY OF HEMPSTEAD, TEXAS AMENDING CHAPTER 8.5 “SIGNS” PROVIDING FOR REGULATION OF “HALO ILLUMINATED SIGNS,” “ILLUMINATED LETTER SIGN,” AND “MURALS” AND ALLOW FOR USE IN THE HISTORIC DOWNTOWN DISTRICT; PROVIDING AMENDMENTS TO COMPLY WITH THE TEXAS ELECTION CODE; PROVIDING FOR CLERICAL CORRECTIONS AND GENERAL UPDATES; PROVIDING FOR AN EFFECTIVE DATE; PROVIDING FOR A FINE IN THE AMOUNT OF \$500 PER DAY OF THE VIOLATION; AND PROVIDING FOR SEVERABILITY AND REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH.**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HEMPSTEAD, TEXAS:**

**Section 1.** That the Code of Ordinances of the City of Hempstead, Texas is hereby amended by replacing Chapter 8.5, Signs, with the following:

### CHAPTER 8.5

#### SIGNS

##### **8.5-1. Definitions.**

*Abandoned sign* means a sign which no longer identifies or advertises a bona fide business, lessor, service, owner, product or activity for a period of 90 days or more, or a sign, the content of which, pertains to a time, event or purpose which no longer applies, or for which no legal owner can be found.

*Awning sign* means a sign painted on, printed on, or attached to the surface of an awning or canopy.

*Banner* means any sign printed or displayed upon cloth or other flexible material with or without frames. A banner is for temporary use only.

*Building permit* means a permit issued by the Building Official for construction, renovation, or alteration of property.

*Building wall* means an exterior load-bearing or non-load-bearing vertical structure that encompasses the area between the final grade elevation and eaves of the building and used to enclose the space within the

building. A porch, balcony, or stoop is considered part of the building structure and may be considered part of the building wall.

*Changeable copy sign* means a sign on which copy is changed automatically on a lamp bank or through mechanical means (e.g. electrical or electronic time and temperature units), or a sign on which copy is changed manually in the field (e.g. reader boards with changeable letters), but shall not include portable signs. Digital Billboards are not Changeable Copy Signs.

*Clear sight 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 curb lines or pavement edges of intersecting streets, roads or alleys and a diagonal line intersecting such curb lines or pavement edges at points thirty-five feet back from their actual or projected point of intersection. Such triangle or distance must remain unobstructed in order to ensure that drivers can see traffic and pedestrians around the corner of the intersection, entrance or driveway.

*Code Enforcement Official* means a person charged by the Mayor or Mayor's designee with enforcement of the provisions of this Ordinance.

*Commercial message* means any sign, wording, logo, or other representation, except for the actual name of the business that, directly or indirectly, names, advertises or calls attention to a business, product, service or other commercial activity.

*Development* means a group of houses or other buildings, residential, or nonresidential that are built as a single construction project.

*Digital Billboard* means an off-premise sign utilizing digital message technology, capable of changing the static message or copy on the sign electronically. A Digital Billboard may be internally or externally illuminated. Digital Billboards shall contain static messages only, and shall not have animation, movement, or the appearance or optical illusion of movement, of any part of the sign structure. Each static message shall not include flashing or the varying of light intensity.

*Dilapidated sign* means a sign that is not properly secured or otherwise structurally unsound; has defective parts; or is in need of painting or maintenance.

*Extraterritorial jurisdiction* means that area extending beyond the boundaries of the City of Hempstead as defined by Chapter 42 of the Texas Local Government Code and as described in Section 216.902 of the Texas Local Government Code.

*Facade* means the entire building front including the parapet.

*Flag* means any fabric or bunting containing distinctive colors, patterns, or symbols, used as a symbol of government, political subdivision, corporation, lodge, fraternity or sorority, political party, nonprofit organization, charity, club, association, or other entity. Flag does not mean a "wind sign" as defined below.

*Freestanding sign* means a sign supported upon the ground by poles or braces and not attached to any building.

*Governmental sign* means a sign required, authorized, or installed by any governmental entity, which is exempt from the permitting process.

*Halo illuminated sign* means a sign with reverse pan-channel letters, numbers, symbols, or figures with an internal light source which reflects off the wall on which it is situated. The light source must not be visible.

The internal illumination shall be white light. The use of halo illuminated signs shall be limited to individual cut out letters, numbers, symbols, or figures. The use of large panel, internally illuminated signs is prohibited.

*Holiday decorations* means displays erected on a seasonal basis in observance of religious, national or state holidays, which are not intended to be permanent and contain no advertising material.

*Holiday season* means a reasonable and designated time period for the display of holiday decorations. The established time periods are November 15 through January 15 and for all other nationally recognized holidays for a period not to exceed seven days.

*Illuminated letter sign* means a sign that is strictly cut out lettering which is illuminated on the outward-facing part of the lettering by electrical, LED, or other artificial devices, but excluding Digital Billboards. The use of large panel, internally illuminated signs is prohibited.

*Illuminated sign* means a sign that is illuminated by electrical or other artificial devices, but excluding Digital Billboards.

*Incidental sign* means a sign, generally informational, that has a purpose secondary to the use of the site on which it is located, such as no parking, entrance, loading only, telephone, and similar information and directives. No sign with a commercial message legible from a position on the site on which the sign is located shall be considered incidental.

*Logo* means the graphic or pictorial presentation of a message, including, but not limited to, the use of shapes, designs, decorations, emblems, trademarks, symbols, figures, or illustrations, or the superimposition of letters or numbers or any other use of graphics or images other than the sequential use of letters and numbers.

*Lot* means a parcel of land whose boundaries have been established by some legal instrument such as a recorded deed or plat, and which is recognized as a separate legal entity for purposes of transferring title. This term shall include any number of contiguous lots, or portions thereof, upon which a single principal building and its accessory buildings are located or intended to be located.

*Marquee sign* means any sign attached to or supported by a permanent canopy, awning or roof-like structure of rigid materials supported by and extending from the façade of a building.

*Monument sign* means a detached sign not attached to a building nor using a pole or brace as a base, having a low profile, and made of masonry, metal, rounded wood planks or beams, or similar materials, including individual lettering, which repeat or harmonize with the architecture of the establishment it serves. Monument signs shall contain no changeable or electronic copy.

*Mural* means a painting, design, or image, including incidental copy, which is applied directly to the exterior of a non-commercial building for artistic, informational, historic, or aesthetic purposes.

*Nonconforming sign* means any sign that if erected within the City limits met the requirements of the City at the time it was erected, but does not conform to the requirements of this Ordinance; and that if erected within the extraterritorial jurisdiction of the City met the requirements of any governing authority with jurisdiction to regulate said sign at the time it was erected, but which does not conform to the requirements of this Ordinance.

*Off-premise sign* means a sign that is located on property and transmits a message pertaining to a product, use, occupancy or function which is not located on the same property as the sign.

*On-premise sign* means a sign the context of which relates to a use, occupancy, function or product manufactured on the same property on which the sign is located.

*Parapet* means the extension of a false front or wall above a roofline.

*Political sign* means a sign that contains primarily a political message and that is located on private real property with the consent of the property owner as defined by the Texas Election Code.

*Portable sign* means any sign not permanently attached to the ground or other permanent structure or a sign designed to be transported, including, but not limited to signs designed to be transported by wheels; signs made as frames or T-frames; balloons used as signs; umbrellas used for commercial messages; and signs attached to or painted on vehicles or trailers parked and visible from the public right of way.

*Real estate sign* means a sign advertising real property for sale or for lease. A real estate sign is for temporary use only.

*Residential sign* means any sign located in a residential area that contains no commercial message, including, but not limited to a personal identification sign, as in describing a personal affiliation of the type including, but not limited to, a team or church membership and is located on private real property with the owner's consent. Residential sign does not include political signs

*Roof sign* means a sign erected over or on the roof of a building.

*Sign, area of:*

- (1) The area of the sign shall be measured as follows if the sign is composed of one or two individual cabinets:
  - (a) The area around and enclosing the perimeter of each cabinet or module shall be summed and then totaled to determine total area. The perimeter of measurable area shall not include embellishments such as pole covers, framing, decorative roofing, etc., provided that there is not written advertising copy on such embellishments.
  - (b) If the sign is composed of more than two (2) sign cabinets or modules, the area enclosing the entire perimeter of all cabinets and/or modules within a single, continuous geometric figure shall be the area of the sign. The perimeter of measurable area shall not include embellishments such as pole covers, framing, decorative roofing, etc., provided that there is not written advertising copy on such embellishments.
  - (c) The area shall be within a single, continuous perimeter composed of any straight line geometric figure which encloses the extreme limits of the advertising message. If the sign is composed of individual letters or symbols using the wall as the background with no added decoration, the total sign area shall be calculated by measuring the area within the perimeter of each symbol or letter. The combined areas of the individual figures shall be considered the total sign area.

*Site* means a lot, tract or parcel of land considered as one land unit for purpose of this Ordinance. For a single-family residence, the site shall be the subdivided lot on which it is located. For multi-family projects, the site shall be all land occupied by the buildings in the project and adjoining such property and under common ownership with it. For vacant land, the site shall be all of the adjoining vacant land under single ownership. For single-occupancy, nonresidential properties, the site shall be the subdivided lot that is occupied. For multiple- occupancy properties, the site shall be all land included under the original "site plan" or "subdivision plan" approval under the Code of Ordinances, City of Hempstead, Texas, or all land included under the original "sign permit application" approval under this Ordinance or its predecessor, whichever land area is larger. The intent of this definition is to treat as one site an entire project as planned and developed together.

*Static Message* means a type of message copy that does not have movement or the appearance or optical illusion of movement during the static display period. Each Static Message shall not include flashing or the varying of light intensity. This applies to Digital Billboards only.

*Street frontage* means the linear frontage of a parcel of property abutting a public street.

*Traffic sign* means a sign indicating federal, state or municipal regulations for automobile, truck, bicycle or pedestrian movement.

*Wall exterior* means a vertical, structural component of a building which encloses habitable or usable space; a parapet extending not more than 12 inches above a flat roof shall be considered part of the exterior wall for purposes of determining signage.

*Wall sign* means any sign attached to and extending not more than six inches from an exterior wall in a parallel manner.

*Wind sign* means any propeller, whirling, waving, or similar device or flag-like fabric that is designed to flutter, rotate, or display other movements under the influence of the wind.

*Window sign* means a sign installed inside a window and intended to be viewed from the outside.

#### **Sec. 8.5-1a      General**

No person, unless otherwise permitted by this ordinance, shall erect, construct, reconstruct, structurally alter or relocate any sign within the City or its extraterritorial jurisdiction which does not comply with the requirements of this section and without first satisfying the permitting requirements and complying with the construction and size standards adopted by the City.

No person, unless otherwise permitted by this ordinance, shall erect, construct, reconstruct, structurally alter or relocate any sign within the within the designated Historic Downtown District without first obtaining a Certificate of Appropriateness from city council as required by Section 19 "Historic Preservation" of the Buildings and Regulations chapter of the Code of Ordinances.

Pursuant to Chapter 216 of the Texas Local Government Code, the provisions of this Ordinance shall be enforced in and extend to the City's extraterritorial jurisdiction.

#### **Sec. 8.5-2.      Prohibited signs and devices.**

- A. All signs not expressly permitted under this chapter or exempt from regulation hereunder are prohibited within the City's limits and within its extraterritorial jurisdiction. Prohibited signs include, but are not limited to:

- (1) Abandoned signs and dilapidated signs;
  - (2) Any sign that copies or imitates a governmental sign or purports to have governmental status;
  - (3) Any sign that obstructs or substantially interferes with any window, door, fire escape, stairway, ladder, or opening intended to provide light, air, ingress, or egress to any building;
  - (4) Signs imitating standard public traffic, regulatory or emergency signs or signals;
  - (5) Signs using the words 'stop', 'danger' or any other word, symbol or character in a manner, which may mislead, confuse or distract the driver of a motor vehicle; and
  - (6) Off-premise signs, unless authorized by another provision of this chapter.
- B. Any such prohibited signs shall be removed at the discretion of the Mayor and/or designee. If not removed by owners or occupants of the property within ten (10) days of notice to the owner(s) or occupant(s), the Mayor and/or designee shall cause the signs to be otherwise removed and the cost of removal shall become a lien against the property until satisfied.
- C. With the exception of signs approved by the city council, it shall be unlawful to place a sign upon a City street, easement or right of way, public bridge, public building, or in any public place or on any public improvement within the City limits or its extraterritorial jurisdiction.
- D. Any sign placed in or projecting in or over the public right of way or on a utility pole in the public right of way in violation of this Ordinance shall be deemed a public nuisance and may be seized by the Code Enforcement Official or other representative of the City of Hempstead. The person owning or placing the sign may be charged both with a violation of this Ordinance and with the cost of removing and disposing of the sign. If the person or entity placing the sign cannot otherwise be determined for purposes of enforcement, it will be presumed that the name of the person or entity appearing on the sign, or the owner or occupant of the premises depicted on the sign directed the placement and is subject to enforcement as described hereunder.

**Sec. 8.5-3. Signs exempt from regulation.**

The following signs shall be exempt from regulation under this chapter and do not require a permit:

- A. Any official or public notice or warning required by a valid and applicable federal, state or local law, regulation or ordinance, by a public utility company or by order of a court of competent jurisdiction;



- B. Traffic signs on private property, such as stop, yield or similar signs, which meet Department of Transportation standards and contain no commercial message;
- C. Holiday decorations with no commercial message displayed within a holiday season;
- D. 'No trespassing', 'no hunting', 'no fishing' or 'no loitering' signs, which are less than one (1) square foot in area;
- E. Governmental signs;
- F. Incidental signs placed for informational purposes without commercial message and less than one square foot in area; and
- G. Political signs which have an effective area less than thirty-six feet (36'), are less than eight feet (8' high), not illuminated, and have no moving elements.

**Sec. 8.5-4. Temporary signs not requiring permit.**

The following signs are considered temporary in nature and do not require permit. They are, however, subject to the restrictions in construction or design as indicated herein and any nonconforming temporary sign is subject to removal at the discretion of the Mayor or designee

- A. Temporary Banners and Portable Signs: On premise banner signs, portable signs and similar temporary signs may be used only during business or activity opening or special promotions, and shall be subject to the following:
  - (1) Whether singly or in combination, no more than three (3) temporary banners or portable signs shall be permitted on a single lot of land; however, the area of such displays shall not be counted against the maximum combined sign area allowed for permitted, permanent signs.
  - (2). Temporary Banners and Portable Signs may be placed no longer than thirty (30) days.
- B. Garage Sale Signs. Signs for garage sales shall be allowed only on private real property with the permission of the property owner.
- C. Real Estate Signs. Real Estate Signs, including those indicating sale, rental or lease, are allowed under the following provisions:
  - (1) On-premise real estate signs are allowed in residential and commercial developments for a maximum of 365 consecutive days.
  - (2) A real estate sign for a single-family dwelling shall not exceed one per lot; in size, the sign shall not exceed forty-two inches (42") in height and a maximum of five (5) square feet in area.

- (3) A real estate sign for commercial property shall not exceed ten feet (10') in height and a maximum of thirty-two (32) square feet. A maximum of one real estate sign shall be permitted on tracts of three acres or less; a maximum of two real estate signs shall be permitted larger than three acres but less than fifty (50) acres; and a maximum of three real estate signs shall be permitted on a tract of fifty (50) acres or larger.

D. Residential Signs. Residential Signs are considered temporary signs and shall be allowed within the following parameters:

- (1) Such signs shall not exceed four (4) square feet in area and forty-two inches (42") in height.
- (2) There shall be no more than three (3) residential signs on any site containing a single dwelling unit.
- (3) Such signs shall be posted at least ten feet (10') from any public right of way and shall not be posted in a public right of way, easement, or on any private common area.

#### **Sec. 8.5-5. RESERVED**

#### **Sec. 8.5-6. Sign Permits.**

A. Application Requirements.

1. An application for a sign permit may be filed only by a contractor licensed by the State to erect signs, or where otherwise permitted by law, the owner of the lot, or with the owner's written permission, the owner's designee or leasee, and if not the owner, the applicant must include the owner's written verification acknowledging permission for placement of the sign on the property. A person seeking a sign permit for a sign within the Historic Downtown District shall also obtain a Certificate of Appropriateness from the city council before proceeding to erect, construct, reconstruct, structurally alter or relocate any sign within the Historic Downtown District.
2. An application for a sign permit shall be filed with the Building Official on a form prescribed by the Building Official, along with the approved fees incident to application and permit. A separate application and permit are required for each sign.
3. Each application for a sign permit shall contain the information required on the application form, and such other information regarding the proposed sign as the Building Official may deem necessary in order to determine whether the proposed

sign complies with the applicable requirements of this Ordinance and other applicable ordinances of the City.

4. An application for construction, creation or installation of a new sign or for modification of an existing sign shall be accompanied by a detailed drawing showing the dimensions, design, structure and location of each particular sign, and such other information as is required to comply with this Ordinance.
5. Within ten (10) business days of receiving an application for a sign permit, the Building Official shall review the application for completeness and provide written notice to the applicant detailing the specific deficiencies in the application, with appropriate references to this Ordinance.

B. Approval Procedure of Completed Application.

- (1) Within twenty (20) business days of receipt of a complete application for sign permit, the Building Official shall either:
  - a. Issue the sign permit, if the sign conforms in every respect to the requirements of this Ordinance and the sign permit application; or
  - b. Deny the sign permit if the sign fails to conform to either the requirements of this Ordinance or the sign permit application. If the sign permit is denied, the Building Official shall then give written notice to the applicant detailing the specific deficiencies, with appropriate references to this Ordinance.
- (2) Prior to the issuance of a sign permit for a wall sign over six (6) square feet in area projecting more than eighteen inches (18") beyond the building wall or structure which protrudes over a pedestrian right of way, the Building Official, after inspection, may require approval by a licensed structural engineer.
- (3) If a sign that has been approved and issued a permit is within the boundaries of the Historic Downtown District, the applicant shall notify the Office of the City Secretary upon issuance of the permit so that the applicant can obtain a Certificate of Appropriateness from city council. Within twenty (20) days, the city council shall either:
  - a. Issue a Certificate of Appropriateness if the sign conforms in every respect to the requirements of this Ordinance and the Historic Preservation section of the Building Regulations chapter of the Code of Ordinances; or
  - b. Deny the Certificate of Appropriateness and give written notice to the applicant detailing the specific deficiencies, with appropriate references to the Historic Preservation section of the Building Regulations chapter of the Code of Ordinances.

- C. Appeal. The applicant may appeal a decision of the Building Official concerning enforcement of the provisions of this Ordinance by filing such appeal with the Office of the City Secretary within ten (10) business days after the permit is issued by the Building Official. The appeal will then be scheduled to be heard by the city council at a regular or specially called meeting, with public hearing scheduled thereon, and following such public hearing, the City council at such meeting will then take action on the appeal by either deferring, rejecting or approving the appeal as submitted. If the decision of the Building Official is to be appealed respecting a sign in existence; no action shall be taken on the sign while the decision is being appealed to the City council, unless the sign, by virtue of its physical condition, presents an immediate and significant threat to public safety.
- C. Lapse of Sign Permit. A sign permit shall lapse if the use of a building or premises by a specified business or other establishment is discontinued by the owner or occupant for a period of ninety (90) consecutive days or more. Any sign for which a permit lapses shall be considered an abandoned sign and shall be removed as provided in Section E below.
- E. Removal of Signs. Abandoned signs and signs which do not conform to the requirements of this Ordinance shall be removed after written notice and at Owner's expense.
- F. Substitution of Message. On a commercial sign that is otherwise allowed under this Ordinance, any commercial or non-commercial message may be substituted, in whole or in part, without permitting or approval being required therefore, if no alteration is made of the size or structure of the sign.

**Sec. 8.5-7. Construction and design of signs.**

- A. Construction Standards. All signs shall be designed, constructed and maintained in accordance with the following standards:
  - (1) All regulated signs shall comply with provisions of the building code(s) as then adopted by the City.
  - (2) Electric signs that have internal wiring or lighting equipment, and external lighting equipment that directs light on signs, shall not be erected or installed until an electrical permit has been obtained from the Building Official. All such signs and equipment shall bear the seal of approval of an electrical testing laboratory that is nationally recognized as having the facilities for testing. All such signs and equipment shall comply with the National Electric Code as then adopted by the City. All wiring to electric signs or to freestanding equipment that lights a sign shall be installed underground.
  - (3) Except for temporary signs conforming in all respects with the requirements of this Ordinance, all signs shall be constructed of permanent materials and shall be attached to the ground, a building or another structure by direct attachment to a wall, frame or structure.

- (4) All sign foundations shall be designed for 100 mile per hour winds, the plan for which must bear a professional engineer's calculations and seal.

B. Maintenance Standards. All signs shall be maintained in good structural condition, in compliance with all then adopted building and electrical codes, in conformance with this Ordinance, and subject to the following provisions. Any sign in violation of this section is subject to removal at the discretion of the Mayor or designee:

- (1) A sign shall have no more than twenty percent (20%) of its surface area covered with disfigured, cracked, ripped or peeling paint, poster paper or other material for a period of more than thirty (30) days.
- (2) A sign shall not stand with bent or broken sign facing, with broken supports, with loose appendages or struts, or more than fifteen (15) degrees from vertical for a period of more than ten (10) days.
- (3) A sign shall not have weeds, trees, vines or other vegetation growing upon it, or obscuring the view of the sign from the public right-of-way from which it is to be viewed, for a period of more than thirty (30) days.
- (4) An internally illuminated sign shall be allowed to stand with only partial illumination for a period of no more than thirty (30) days.
- (5) Flags shall not be faded, tattered or torn.

C. Traffic hazard compliance. Signs may not create a traffic hazard, and shall be constructed and maintained as follows:

- (1) Clear Sight Triangle. No sign shall be erected in the clear sight triangle. Signs shall be erected so as not to obstruct or impair motor vehicle driver vision at business ingress or egress points and at street intersections.
- (2) Other Hazards. No sign shall be erected, and there shall be no lighting of signs or premises thereof, in such a manner or in such location as to obstruct the view of, or to be confused with, any authorized traffic signal, notice or control device. Signs using the words 'stop', 'danger' or any other word, symbol or character in a manner which may mislead, confuse or distract the driver of a motor vehicle are strictly prohibited.
- (3) Removal. Notwithstanding other provisions of this Ordinance, any such sign or light source constituting a traffic hazard shall be removed at the direction of the Building Official or designee. If not removed by the owner or occupant of the property within ten (10) days of written notice, unless otherwise deemed an immediate hazard, the Building Official or designee shall cause the sign to be

otherwise removed, and the cost of removal shall become a lien against the property from which it was removed until payment for removal is satisfied.

**D. Lighting.**

- (1) Illumination. The following regulations shall apply to signs where lighting is included. This Section shall not apply to Digital Billboards.
  - a. Sign illumination shall be placed and shielded so as not to directly cast light rays into nearby residence, sleeping accommodations or the eyes of motor vehicle drivers.
  - b. Electrical requirements pertaining to signs shall be as prescribed under the National Electrical Code as then adopted.
  - c. Neon lighting shall only be permitted in signs for retail and restaurant establishments.
  - d. Except as provided in Section 8.5.5. Digital Billboards above, no new construction permit shall be issued for the erection of an off- premise sign, including but not limited to a new off-premise changeable electronic variable message sign or the conversion of an existing off-premise sign to a changeable electronic variable message sign.
- (2) Uniformity. Lighting on signs shall be consistent throughout a project, and no sign or portion thereof shall be illuminated differently from any other sign, except as allowed otherwise in this Ordinance.

**Sec. 8.5-8. Nonconforming Signs.**

- A. Nonconforming Signs Protected.** A sign lawfully erected prior to adoption of this Ordinance but which does not conform in one or more respects with the requirements of this Ordinance may remain in use, subject to the requirements of this section and other applicable requirements of City ordinances, under the following limitations:
- (1) Abandonment. Any sign related to a use or business that ceases to exist or operate for a continuous period of ninety (90) days shall be considered nonconforming and shall not be reused for sign purposes unless and until it is in full conformity with the provisions of this chapter, subject to issuance of a new sign permit.
  - (2) Routine repairs and maintenance. Repairs and maintenance of nonconforming signs, such as repainting and electrical repairs, shall be permitted.
  - (3) Change of copy. No change of copy shall be permitted (except on a changeable copy sign) without bringing the sign into full compliance with this chapter and obtaining a sign permit.

- (3) Other sign permits on premises. For single occupant properties, the issuance of a sign permit for a new or replacement sign shall be subject to the condition that all nonconforming signs on that property shall be removed or brought into conformance as part of the work of installing the new or replacement sign. For multi- occupant properties, the issuance of a sign permit for a new or replacement sign for any occupant shall be subject to the condition that all nonconforming signs for that occupant shall be removed or brought into conformance as part of the work of installing the new or replacement sign.

**Sec. 8.5--9. RESERVED**

**Sec. 8.5--10. Sign Regulations in the Historic Downtown District.**

- A. General. The purpose of the sign regulations in the Historic Downtown District is to promote the public health, safety and welfare of the citizens of the City of Hempstead through a comprehensive system of reasonable, effective, consistent, content-neutral and non-discriminatory sign standards and requirements. Sign standards should enhance the aesthetic and attractiveness of the City's Historic Downtown District.
- B. Other ordinances. This Sec. 8.5-10 is intended to work in tandem with the Historic Preservation Section of the Building Regulations Chapter of the Code of Ordinances. A Certificate of Appropriateness as governed by that chapter is required, in addition to the sign permit requirement of this section, for the construction, reconstruction, alteration, or relocation of any sign within the Historic Downtown District.
- C. Prohibited signs in Historic Downtown District. The following signs are prohibited within the Historic Downtown District of the City subject to the enumerated exception:
  - (1) Digital billboards;
  - (2) Roof signs;
  - (3) Detached signs that are not monument signs;
  - (4) Signs that block or cover the address as printed on the building or the year of the building as printed on the building;
  - (4) Portable signs with changeable copy; and
    - a. Specially constructed portable signs with changeable copy which are compatible with the design, style and historic period of the structure to which the sign refers may be approved by the Building Official at his or her discretion.
  - (5) Off premises signs.

**Sec. 8.5-5. Specific Requirements for Certain Signs**

- A. Digital Billboards

- (1) Digital billboards may be permitted on new and existing off-premise sign structures, in non-residential zoning districts in accordance with Section 8.5-6 (Sign Permits) of this Ordinance and pursuant to a Development Agreement entered into between the Digital Billboard owner/operator and the City and subject to the following requirements:
  - a. One (1) back-to-back Digital Billboard may be constructed and erected on the condition that three (3) existing off-premise sign faces are removed within the City and/or the City's extraterritorial jurisdiction;
  - b. The provision of other public benefits to the City, including advertising space on the Digital Billboard and annual contributions to the City's general fund for community benefits, to be applied as designated by the City council;
  - c. There must be a two (2) mile radius spacing between Digital Billboards and there must be a minimum of one thousand (1,000) linear feet between any new Digital Billboard and an existing traditional printed off-premise sign on the same side of the road;
  - d. Every seven (7) years, the poles of the Digital Billboard must be repainted;
  - e. Operational Limitations. Such displays shall contain static messages only, and shall not have movement, or the appearance or optical illusion of movement during the static display period, of any part of the sign structure, design, or pictorial segment of the sign, including the movement or appearance of movement. Each static message shall not include flashing, scintillating lighting or the varying of light intensity.
  - f. Owners of digital billboard sign faces have the sole option to remove the digital units from the outdoor advertising structure at any time, for any reason. During all periods where there are no digital units on the sign structure, the sign owner shall be permitted to operate the sign faces as traditional, printed type.
  - g. Minimum display time. Each message on the sign must be displayed for a minimum of (8) eight seconds. {Note: Complies with Texas state requirements)
  - h. Digital billboards shall not operate at brightness levels of more than 0.3 foot candles above ambient light, as measured using a foot candle meter at a pre-set distance.
  - i. Pre-set distances to measure the foot candles impact vary with the expected viewing distances of each size sign. Measurement distance criteria:



| Nominal<br>Face Size | Distance to<br>be measured from: |
|----------------------|----------------------------------|
| 12' X 25'            | 150'                             |
| 10'6" X 36'          | 200'                             |
| 14' X 48'            | 250'                             |
| 20' X 60'            | 350'                             |

- j. Each display must have a light sensing device that will adjust the brightness as ambient light conditions change.
- k. The technology currently being deployed for digital billboards is LED (light emitting diode), but there may be alternate, preferred and superior technology available in the future. Any other technology that operates under the maximum brightness stated in #8 above shall not require an ordinance change for approval, unless the commission finds it in the best interest of the public to do so. The City shall expedite any required approvals for technology that is superior in energy efficiency over previous generations or types.
- l. Maximum. The maximum face size of each billboard sign face shall not exceed six hundred and eighty (680) square feet, including framing or trim.
- m. A company logo or "imprint" placed on the sign structure shall not count in the calculation of maximum square footage.

**B. Wall Signs**

- (1) All wall signs must be securely attached to the building facade.
- (2) No new marquee sign may exceed fifty (50) square feet per fifty feet (50') of linear street frontage of the building to which it refers.
- (3) Wall signs projecting more than 18 inches from the vertical building surface are prohibited.
- (4) Lower level (first story) signs:
  - a. May not contain words consisting of characters greater than eighteen inches (18") in height. However, notwithstanding the foregoing, characters may exceed this limit if they are not larger than the characters

on a preexisting sign and are placed on a new sign of the same height and width; and

- b. May not exceed ten square feet per fifty feet (50') of linear street frontage of the building to which it refers.

(5). Upper level (second or higher stories) signs:

- a. May not contain words consisting of characters greater than twenty-four inches (24") in height; and
- b. May not exceed in area twenty square feet per fifty feet of linear street frontage of the building to which it refers.

(6) No more than thirty percent (30%) of a facade may be covered with signs.

(7) Each premise may have no more than two attached signs for each street entrance.

(8) Banner signs may be displayed for a maximum of thirty (30) days per year. It is the declared purpose of this section that nonconforming banner signs be eliminated and be required to comply with the regulations of the City of Hempstead Sign Ordinance, having due regard for the property rights of the persons affected, the public health, safety, welfare, and the character of the surrounding area. All nonconforming banner signs shall be removed to eliminate nonconformity.

(9) No sign may be illuminated by back lighting. Indirect light is permissible. The use of a new plastic sign is prohibited.

C. Window Signs.

(1) A window sign may not cover more than twenty-five percent (25%) of the window surface area.

(2) Window signs may not contain words consisting of characters greater than twelve inches (12") in height.

D. Awning Signs.

(1) No part of an awning sign may be closer to grade than nine feet (9').

(2) An awning sign:

- a. May not contain words consisting of characters greater than eight inches (8") in height; or

b. May not exceed fifteen (15) square feet in area.

E. Murals.

- (1) Murals shall be composed of permanent materials and applied only to permanent surfaces. Murals shall not be applied to any fabric or temporary surface, and all materials used must be resistant to the short-term effects of exposure to the elements.
- (2) Murals shall be compatible with the architectural and aesthetic components of the building, not detract from the character of the district in which it is located, and not be a detriment to the public health, safety, or welfare. Murals in the Historic Downtown District shall forward the purpose of the Historic Downtown District and enhance the aesthetic and attractiveness of the City's Historic Downtown District.
- (3) Murals must comprise between 50% and 100% of the surface it is applied to.
- (4) Murals shall be kept in a proper state of repair and preservation.

**PASSED AND APPROVED** this the 5<sup>th</sup> day of July, 2022.

**APPROVED:**

**/s/: Erica Gillum, Mayor**

**ATTEST:**

**/s/: Barbara Haffelfinger, City Secretary**

Under Mayor's reports, Mayor Erica Gillum reported the city will be hiring another utility billing clerk. We will soon have the software and app where citizens can log in and see their daily usage. Also, a newsletter will be sent out in October. Mayor Gillum will bring back the meetings to City Hall from the requests of many citizens. The Permit and Building Department will be moved to EDC office and the EDC will be moved to the Recreation Center. Katherine is the new Recreation Director, she will also handle the EDC responsibilities, and we will have a new grounds maintenance department that is in charge of mowing and weed eating.

Under Councilmember reports, Councilmember Cindy Pearce wanted to thank the Hempstead Police Department for the recent drug bust. Councilmember Mildred Jefferson would like to thank the citizens for their continued support. She also attended the HGAC Counsel Committee on July 29, 2022 and networked with other elected officials and gain information to help make more educated, efficient effective decisions for the betterment of the city.

There being no further business, Councilmember Lonnie Garfield made a motion to adjourn the meeting at 6:30 P.M.

**PASSED AND APPROVED** this the 18<sup>th</sup> day of July, A.D., 2022.

**APPROVED:**

**/s/:Erica Gillum, Mayor**

**ATTEST:**

**/s/:Barbara Haffelfinger, City Secretary**