

Ordinance # 051908-A
SIGN ORDINANCE

An ordinance to provide clear regulations for the permitting, design, location, construction, modification, use, maintenance and removal of signs in the city and its extraterritorial jurisdiction., to encourage the effective use of signs as a means of communication in the city; to maintain and enhance the community's overall aesthetic environment and the city's ability to attract sources of economic development and growth; to improve pedestrian and traffic safety; to minimize the possible adverse effect of signs on nearby public and private property; and to enable effective outdoor advertising.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF POTH :

Sec. 1. Purpose and objectives.

The purpose of this chapter is to provide clear regulations for the permitting, design, location, construction, modification, use, maintenance and removal of signs in the city's Sign Code Application Area . The objectives are: to encourage the effective use of signs as a means of communication in the city; to maintain and enhance the community's overall aesthetic environment and the city's ability to attract sources of economic development and growth; to improve pedestrian and traffic safety; to minimize the possible adverse effect of signs on nearby public and private property; and to enable effective outdoor advertising.

Sec. 2. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Abandoned sign means a sign advertising or identifying a person, product, or activity that is no longer in existence or ceases to operate.

Advertise promoting, identifying, or calling attention to a business, product, service, or activity, through use of words, symbols, figures, or similar means.

Area shall be the area of the sign face. In computing any maximum allowable sign area, only one side of a double face sign shall be considered.

Banner means any sign made of fabric, plastic or other non-rigid material designed to hang from rope or wire to advertise a business, service, or special event and not mounted in a permanent rigid frame.

Billboard means an off-premise sign on any flat surface erected on a framework or on any structure, or attached to posts and used for, or designed to be used for, the display of bills, posters, or other advertising material.

CEVMS means a changeable electronic variable message sign which permits light to be turned on or off intermittently or which operates in a way whereby light is turned on or off intermittently, including any illuminated sign on which such illumination is not kept stationary or constant in intensity and color at all times when such sign is in use, including an LED (light emitting diode) or digital sign, and which varies intensity or color. A CEVMS sign does not include a sign located within the right-of-way

that functions as a traffic control device and that is described and identified in the Manual on Uniform Traffic Control Devices (MUTCD) approved by the Federal Highway Administrator as the National Standard.

Embellishment means decorative features of the sign outside the sign cabinet and temporary protrusions or "cutouts" that may carry a message.

Free standing sign means a sign permanently attached to or constructed in or on the ground.

Graffiti is a picture, works or slogans, images, or other art work painted, drawn, scratched or applied in any manner to exterior walls, fences, structures, vehicles, stone, statues, buildings, or other items in public view. Graffiti includes the illegal or unauthorized defacing of a building wall or other edifice or object by painting or other wise marking it with words pictures or symbols advertising logos relations with a group indecent/vulgar images or offensive languages.

Height the vertical distance between the highest part of the sign or its supporting structure, whichever is higher, and the average ground level beneath the sign

Mobile advertising means a sign used to identify the occupation or license of the owner of a vehicle, such as those commonly used by real estate salespersons, pest control operators, resort, amusement, accommodation and food providers and building contractors. The sign is generally painted or attached flat to a door, trunk or fender of a vehicle and is not intended to be off-premises advertising while the vehicle is parked or stored on private or public property.

Monument sign means a sign which is attached directly to the ground or is supported by a sign structure that is placed on or anchored in the ground and is independent from any building or other structure.

Nonconforming sign means any sign within the city limits or its extraterritorial jurisdiction that does not comply with the provisions of this chapter on the effective date of this chapter or any governing amendment thereto. It is the intent of this chapter that legal nonconforming signs will not be made illegal by the adoption of this chapter.

Obscene Sign means a sign displaying any matter in which the dominant theme of the material taken as a whole appeals to the prurient interest in sex, or is patently offensive because it affronts contemporary community standards relating to the description or representation of sexual matters, and is utterly without redeeming social value

Off-premises sign means any outdoor sign advertising a business activity or use not principally offered, sold, or conducted upon the same premises on which the sign is located.

On-premise sign means any outdoor sign advertising a business or use principally offered, sold or conducted upon the same premises on which the sign is located. On-premise signs also include:

- (1) Signs advertising a real estate development located on premises being developed or proposed for development;
- (2) Signs identifying a real estate development which are located at the entrance of such development; and

- (3) Signs located on premises where model homes are constructed.

Ordinary maintenance and repair means any work, the sole purpose and effect of which is to correct deterioration, decay or damage, including repair of damage caused by fire or other disaster and which does not result in a change in the existing appearance and materials of a property.

Political sign means any sign announcing or promoting the candidacy of one or more persons for elective public office, or concerning any political issue appearing or which is to appear on the ballot in any public election.

Portable sign means a transportable sign of durable construction on wheels, skids, legs, stake(s) or framing, including trailers, used for advertising or promotional purposes, which is not primarily designed or intended to be permanently affixed to the ground or a building or structure, but which can be so anchored.

Public service event is an event open to the public and is an event sponsored by the city, a county, school district, or other unit of local government of the state.

Real estate sign means a temporary sign advertising the sale, lease, rental or construction of real property.

Sign means any device or surface on which letters, illustrations, designs, figures or symbols are painted, printed, stamped, raised, projected or in any manner outlined or attached and used for advertising purposes.

Sign Code Application Area means the corporate limits of the city and the area of its extraterritorial jurisdiction as defined by Section 42.021 of the LGC

Stake sign means a sign designed to be temporarily placed in the ground, which is easily removed, on a stake.

Sec. 3 Applicability.

(a) A sign may be erected, placed, established, painted, created or maintained in the jurisdiction only in conformance with the standards, procedures, exemptions and other requirements of this chapter. These regulations apply to both commercial and non-commercial messages.

(b) The effect of this ordinance is to prohibit all signs not expressly permitted or exempted by this ordinance, except as approved through the variance process established by this ordinance.

Sec. 4 Jurisdiction.

In accordance with V.T.C.A., Texas Local Government Code, §§ 216.901 and 216.902, these regulations apply to all areas within the Sign Code Application Area.

Sec. 5. Permits and registration.

(a) *Permits.* A building permit shall be required to build, structurally alter, or provide more than normal maintenance of a sign, except signs listed in subsection 8(a).

1. Permit must be submitted on such forms provided by the city and must be accompanied by the information, drawings and descriptive data required by the city to ensure proper regulations of the Sign and to ensure compliance with this ordinance.
2. Sign permit to construct, erect or place a sign, is valid for 180 days from the date of issuance, unless earlier revoked,
3. Revocation of a sign permit may be issued for a violation of this ordinance. Prior written notice of a proposed revocation to the permittee will be given and an opportunity to respond to the reasons for revocations prior to making a decision thereon.
4. A sign which was erected after the effective date of this sign ordinance or which was erected, constructed, altered, repaired, or relocated in violation of this ordinance shall be required to be removed by the party responsible for such sign within 3 days.
5. Failure to remove an illegally erected, constructed, altered, repaired or relocated sign within three days after being notified to do, or it appears that the illegal sign placement poses an immediate danger to the public, then such sign may be removed by the city at the expense of the party responsible.

(b) *Permit fees.* Permit fees shall be based on the following schedule:

TABLE INSET:

Total square feet of advertising faces for permanent free standing sign	Fee
1--100	\$ 30.00
101--300	60.00
301--600	90.00
601--900	120.00
901 or greater	150.00

(c) *Ordinary maintenance and repair.* No permit shall be required for ordinary maintenance and repair of the sign or changing of the advertising message. "Normal maintenance" includes changing messages without changing the sign or its components, cleaning, and replacement of bulbs or fluorescent tubes. Changing existing message panels or letters is normal maintenance.

Sec. 6 Nonconforming sign standards.

A nonconforming sign is a sign that was lawfully established prior to the effective date or applicability of these regulations or subsequent amendments, but does not comply with current sign regulations.

(a) *Retention of nonconforming signs.* A nonconforming sign may continue except as otherwise provided in or authorized by this section.

(b) *Alterations.* A nonconforming sign may not be enlarged in any way to include larger supporting structures, sign face area, or height. A change in the information on the face is allowed if the change does not increase the area of the sign face.

(c) *Discontinuance, abandoned signs.* Signs on a premise not occupied that are abandoned for more than one year from the date the premise was abandoned shall be deemed nonconforming and removed or made to conform to current sign regulations. (Conformity may be achieved by causing the sign to have a blank face.) If the premise containing the sign is occupied and the sign has been abandoned for two years, the sign shall be removed or made to conform at the business owner's expense.

(d) *Immediate termination of nonconforming signs.* Except as otherwise provided by V.T.C.A., Local Government Code CH. 216, the building official shall cause the immediate removal of any sign constructed, erected or placed in violation of the provisions in this regulation or expressly prohibited, and any sign that represents a clear and present danger to the health or safety of the public due to its structural condition.

(e) *Elimination of nonconforming sign status.* The owner of a nonconforming sign may employ the following mechanisms in an attempt to eliminate the nonconformity.

1. Modify the existing sign to conform.
2. Apply for a variance in accordance with Section 7 to allow the sign as built.

Sec. 7 Variance and appeal.

(a) *City Council* shall have the authority to hear and grant requests for a variance from these regulations and administrative appeals of interpretations of this ordinance. A variance to the standards of this ordinance will be considered an exception to the regulations rather than a right.

(b) *Limitation on variances for signs.* No variance application(s) shall be accepted for prohibited signs listed in Section 9 or sign standards established by the city council in an ordinance that establishes a zoning change with additional restrictions, a special use permit, or planned development district.

(c) *Variance and appeal process.* Variances or appeals of interpretations of this ordinance shall be processed and considered in the same manner and with the same fees as a variance or appeal as specified in the zoning ordinance.

Sec. 8. Signs exempt from regulations or permits.

(a) *Exempt signs.* The following signs shall be exempt from regulation under this ordinance:

- (1) Any public notice, or warning required by a valid and applicable federal, state, or local law, regulation, or ordinance;
- (2) Any sign that is not legible from a distance of more than three feet beyond the lot line of the lot or parcel on which such sign is located;
- (3) Works of art that do not include a commercial message;
- (4) Holiday lights and decorations with no commercial message;
- (5) Decorative landscape lighting;

- (6) Traffic control signs on private property, such as stop, yield, and similar signs, the face of which meet state or city standards and which contain no commercial message of any sort;
- (7) Address and postbox numerals;
- (8) Government signs erected by the city, county, state, or federal government in furtherance of their governmental responsibility;
- (9) Legal notices;
- (10) Memorial signs or tablets and building markers displayed on public or private buildings and tables or headstones in cemeteries;
- (11) Signs prepared by or for the local, state or federal government marking sites or buildings of historical significance;
- (12) Signs on windows;
- (13) Addresses no larger than ten square feet;
- (14) Signs on operable vehicles;
- (15) Permanent signs on fences that are made of wood, masonry or other material and not part of a building, at outdoor athletic and sports fields and tracks; outdoor entertainment establishment; and in and around areas of public gathering such as, the fair grounds, schools, churches and parks.
- (16) Inflatable signs and tethered balloons.
- (17) Pennants; streamers; flags; fluttering, undulating, or moving signs not part of a permanent sign and not a banner.
- (18) On-premise signs that are not free standing, such as wall signs, except as expressly regulated by this ordinance.

(b) *Signs not requiring a permit.* The signs listed below may be erected without a sign permit provided that standards of this section are met.

- (1) *A-frame signs.* A-frame signs no taller than four feet nor wider than three feet with a maximum area per side of twelve square feet not in a right-of-way or easement, not obstructing a public sidewalk, and abutting the advertised businesses.
- (2) *Construction site.* In addition to other signs permitted by this ordinance, construction site signs are allowed. These signs shall not exceed a total of 100 square feet. Such signs shall be removed within one week following completion of the construction.
- (3) *Directional.* Any sign used only to direct vehicles or pedestrians to public facilities or hospitals/emergency care facilities.

(4) *Special sale signs.*

- a. "For Sale" signs placed on vehicles, provided that the area of the sign does not exceed two square feet.
- b. "Garage Sale" signs not larger than four square feet on the site of a garage sale.

(5) *"No Trespassing" or "Posted".* These signs shall be allowed subject to the following standards:

- a. They shall not exceed four square feet in area.
- b. They shall be located on private property.
- c. There shall be not more than one per 100 feet of property line.

(6) *Parking and traffic.* These signs shall conform to the Manual of Uniform Traffic Control Devices, as published by the U.S. Department of Transportation, Federal Highway Administration. These signs shall not exceed four square feet in area and may be placed on private property to direct and guide traffic and parking on the same private property. Such signs shall not include advertising visible from any location outside of the property on which the sign appears.

(7) *Political.* Temporary signs advertising political parties or candidates for election or signs that otherwise provide for freedom of expression unrelated to any commercial endeavor may be erected or displayed and maintained on private property provided that they conform to state law and:

- a. Are no larger than 36 square feet;
- b. Are no taller than eight feet;
- c. Are not illuminated;
- d. Have no moving elements;
- e. Are placed with the consent of the property owner;
- f. Are not placed on or within public rights-of-way, on public property or within visibility triangles; and
- g. Are displayed within 90 days prior and ten days following the election for which they are intended.

(8) *Real estate.* In addition to other signs allowed by this chapter, on-premises real estate signs are permitted in compliance with the following standards:

- a. On a lot or parcel used or zoned for one or two dwellings:
 - 1. No more than one sign per street and adjacent to a street.

2. The sign may not be illuminated.
3. The sign shall not exceed eight square feet in area.
4. The sign(s) shall be removed within 30 days of the property sale, lease.
5. One additional sign may be allowed to advertise an open house, and may be placed on the property no sooner than five days before the open house and removed no later than one day after the event.

b. On a lot or parcel used or zoned for multifamily or non-residential purposes:

1. One sign allowed per 200 feet of street frontage, but not less than one sign per lot or parcel.
2. No sign may be larger than 50 square feet.
3. The sign(s) shall be removed within 30 days of the property sale, lease.

c. No sign may be placed in public or private street right-of-way or on public property.

(9) *Service entrance.* A sign for building identification provided the sign area does not exceed four square feet.

(10) *Signs along streets, public ways, or railroads.* Signs along streets, public ways, or railroads as follows:

- a. Permanent signs, including: public signs erected by or on behalf of a governmental body to post legal notices, identify public property, convey public information, and direct or regulate pedestrian or vehicular traffic.
- b. Bus stop signs erected by a public transit company. No advertising is permitted at bus stops except for a single sign no larger than two square feet that advertises the bus stop.
- c. Informational signs of a public utility regarding its poles, lines, pipes, or facilities;
- d. Emergency warning signs erected by a governmental agency, a public utility company, or a contractor doing authorized or permitted work within the public right-of-way.
- e. Special event signs in state rights-of-way, subject to approval of a permit issued by the state department of transportation.
- f. Temporary signs no larger than 64 square feet and approved and erected as part of a community-wide special event that has been approved by City Council.
- g. Special event or other signs approved by the city council

(11) *Home occupation signs.* In one or two-family zoned areas, one non-illuminated identification sign that is physically attached to the exterior of the structure, with a sign area no larger than four square feet.

(12) *Light pole mounted banners* placed by government entity.

(13) *Subdivision entry signs.* Subdivision entry signs are allowed at any entrance into a subdivision, subject to the following standards:

a. Subdivision entry signs must be a monument sign, or a sign on a screening or decorative wall, subject to the definition of this ordinance, and may contain a maximum of 40 square feet per sign face with a maximum height of six feet;

b. Subdivision entry signs must be constructed of masonry, stone, brick, ~~wood~~ or other material(s) compatible with surrounding development.

c. Subdivision entry signs must be setback a minimum of five feet from the property line outside of the required sight triangle and located outside of any drainage easement and not in public or private right-of-way.

d. Subdivision entry signs must provide a landscaped area equal to twice the area of the sign face.

1. One of the following irrigation methods shall be used to ensure the survival of the required plant material in the landscaped areas.

A. Conventional system. An automatic or underground irrigation system that may be a conventional spray or bubbler type heads.

B. Drip or leaky-pipe system. An automatic or underground irrigation system in conjunction with a water-saving system such as a drip or a leaky-pipe system.

C. Temporary and above-ground watering. Landscape areas utilizing xeriscape plants and installation techniques, including areas planted with native grasses, wildflowers and trees may use a temporary and above ground system, and shall be required to provide irrigation for the first three growing seasons.

D. No irrigation shall be required for undisturbed natural areas or undisturbed trees.

2. The owners of the landscaped property shall be responsible for the maintenance of the landscaped area.

(14) *Personal temporary signs.* Personal temporary signs no larger than eight square feet with no commercial message on a premise with a one or two family dwelling. Examples: new baby, school athlete, cheerleader, honor student, and birthday party.

(15) *Garage or yard sale signs.* "Garage" or yard sale signs no larger than four square feet in any zoning district.

(16) Signs or bulletin boards customarily incidental to places of worship, libraries, museums, social clubs, societies, or charitable organizations and located on the premise of such institution, are exempt from submitting a permit provided that if it is a freestanding sign such signs do not exceed 64 square feet in area.

Sec. 9. Prohibited signs.

Except as provided herein, the following signs are prohibited:

- (a) Portable signs;
- (b) Roof signs other than on commercial properties in commercial zoning area;
- (c) Signs, temporary or otherwise, affixed to a tree or utility pole;
- (d) Signs in the "sight distance triangle". A "sight triangle" will be observed at all street intersections, street and alley intersections, and intersections of driveways with streets. Within the "sight triangle", no sign shall be permitted between the height of two and one-half feet and seven feet above the street, alley or driveway elevation. The sight triangle shall consist of the following, or other dimensions having a similar effect when intersections are not 90 degrees.

TABLE INSET:

Street	Length of triangle side along the curb on outer edge of the shoulder (feet)
Uncontrolled * street with two or fewer through lanes in one direction	25
Controlled street with two or fewer through lanes in one direction, driveways and alleys	15
Uncontrolled street with more than three lanes in one direction	40

* Uncontrolled street means a street without a yield, stop, or traffic signal at the intersection.

- (e) Off-premise advertising signs, except as expressly permitted in Section 11.
- (f) Banners attached by any means to the ground;
- (g) Bandit signs. Any sign other than signs owned by the city, the state or a county, or authorized by the city, posted on a utility pole, street sign, street furniture including benches, trash cans fences or sign posted in the public right-of-way, of any size, including signs with wood or wire framing, post or stakes. Such signs are hereby declared to be abandoned trash at the time of posting and may be removed and discarded without notice.
- (h) Signs on fences except banners and on fences at outdoor athletic fields and tracks; outdoor entertainment establishments; and in or around areas of public gatherings, such fairgrounds, schools, churches and parks.

- (i) Any sign or portion thereof located within a ten-foot radius of any overhead power line, pole, or crossbar, or creating a hazard to vehicular or pedestrian safety.
- (j) Stake signs, except those listed in subsections 8(a) and (b).
- (k) Obscene signs displaying any matter in which the dominant theme of the material taken as a whole appeals to the prurient interest in sex, or is patently offensive because it affronts contemporary community standards relating to the description or representation of sexual matters, and is utterly without redeeming social value.
- (l) *Graffiti* depicting pictures, words or slogans, images, or other art work painted, drawn, scratched or applied in any manner to exterior walls, fences, structures, vehicles, stone, statues, buildings, or other items in public view. Graffiti includes the illegal or unauthorized defacing of a building wall or other edifice or object by painting or other wised marking it with words pictures or symbols advertising logos relations with a group indecent/vulgar images or offensive languages.

Sec. 10. Sign lighting standards.

- (a) No illuminated sign shall have luminance greater than 75 foot candles for any portion of the sign within a circle one foot in diameter.
- (b) Lamp and ballast watts shall not exceed 1.8 watts per square foot.
- (c) No unshielded light source may be visible from the edge of the public right-of-way or at the property line with a residential use or zoning district.

Sec. 11 Changeable electronic variable message sign

(a) CEVMS a changeable electronic variable message sign which permits light to be turned on or off intermittently or which operates in a way whereby light is turned on or off intermittently, including any illuminated sign on which such illumination is not kept stationary or constant in intensity and color at all times when such sign is in use, including an LED (light emitting diode) or digital sign, and which varies intensity or color. A CEVMS sign does not include a sign located within the right-of-way that functions as a traffic control device and that is described and identified in the Manual on Uniform Traffic Control Devices (MUTCD) approved by the Federal Highway Administrator as the National Standard. CEVMS are prohibited unless expressly permitted as following in this section

1. A lot is allowed a maximum of one CEVMS per street frontage
2. maximum area is 60 square feet; height eight feet
3. CEVMS are permitted to contain electronic variable messages subject to the following conditions:
 - A. shall only be permitted along a major thoroughfare or greater as designated in the city's thoroughfare plan, as it currently exists or may be amended
 - B. characters shall have a minimum height of ten inches and a maximum height of 16 inches
 - C. shall not be animated, flash, travel, blink, fade or scroll

D. shall remain static for not less than 15 seconds

E. is permitted to contain time and temperature displays. The time and temperature shall remain static for not less than three seconds

Sec. 11. Off-premises sign regulations.

(a) Any off-premise sign that does not comply with this ordinance is prohibited unless expressly permitted in this section.

(b) Area directional signs. For the purpose of providing information to the public, a permit for an area directional sign shall be provided if it meets the following standards:

(1) The sign must be a sign attached directly to the ground or one supported by a structure that is placed on or anchored in the ground, independent of any building or structure.

(2) The maximum height of the sign shall be 12 feet as measured from the ground.

(3) The sign shall contain no more than eight and no less than six panels, provided that no entity, product, real estate, or service shall be on more than one panel.

(4) The sign must be located at an off-premises location no further than 500 feet from the intersection of major and/or minor arterials and adjacent to a major or minor arterial roadway, as shown on the thoroughfare plan. .

(5) Each panel on the sign shall contain only the name and logo of one business, entity, product, real estate, or service being identified and its directional indicator, such as an arrow, to the entity's location.

(6) The location of such signs must not restrict visibility at intersections.

(7) Lighting is restricted to external ground lighting from the front of the sign only.

(8) The sign shall not be located within 500 feet of another off-premise sign measured on one side of the same road, however, at least one area identification sign may be permitted within 500 feet of a major and/or minor arterial intersection.

(9) The sign shall not exceed 100 square feet of total sign area.

(10) The sign shall have only one advertising face that should be visible to traffic in the right lane of the adjacent road and be located on the side of the road facing right lane traffic.

(11) The sign shall include an embellishment on top of the sign copy which is symbolic of the area or the city.

(12) The sign shall not be located on a lot or tract on which there is an existing one or two family dwelling.

(c) Temporary off-premises sign regulations.

(1) *Temporary informational signs.* Temporary signs for public service events shall be allowed for a period not to exceed a period of 30 consecutive days. Such signs shall require a permit, for which there shall be no fee. A permit request form shall be developed by the planning department and shall include a space for information declaring where the signs will be located. The planning director shall determine that the location of each sign is in the best interest of traffic and pedestrian safety before issuing the permit. There shall be no more than five such signs permitted per event per year and the sign shall not exceed 36 square feet in size.

(2) *Mobile advertising.* Mobile advertising as defined in this chapter is allowed without permit.

(d) Community Organization signs permanent signs identifying the meeting location, address, hours of service, of a religious or civic organization

Sec. 12. Permanent on-premises sign regulations.

(a) The following regulations apply to free-standing on-premises signs located within the corporate limits of the city:

(1) *Spacing.* No free standing on-premise sign may be constructed within 100 feet of any existing free standing on-premise sign on the same site; One free-standing sign will be permitted per premise

(2) *Size.*

a. The maximum area of an advertising face that is principally intended to be viewed by traffic on Hwy 181 shall be 400 square feet, excluding trim and embellishments, provided that the premises has at least 350 feet of frontage on Hwy 181. If the premise has less than 350 feet of frontage on Hwy 181, the maximum area of the advertising face is 150 square feet. Sign faces facing opposite directions are allowed.

b. The maximum area of an advertising face that is principally intended to be viewed on major or minor arterial roadways as reflected on the city thoroughfare plan other than Hwy 181 viewed from one direction shall be 100 square feet, excluding embellishments. Sign faces facing opposite directions are allowed.

c. The maximum area of an advertising face that is principally intended to be viewed on roadways other than major or minor arterials and Hwy 181 viewed from one direction shall be 100 square feet, excluding embellishments. Sign faces facing opposite directions are allowed.

d. Roof signs. No sign mounted or installed on the roof of any structure located in the downtown business corridor is allowed.

Sec. 13. Principles of sign area computation.

The following principles shall control the computation of sign area and sign height.

(a) *Computation of area of individual signs.*

1. The area of a sign shall be computed as the entire advertising area of the sign, including any framing or trim, contained within the respective sign cabinet. For the purposes of this

computation the sign cabinet shall be defined as the structure or border used to differentiate a sign face from the structure against which a sign face is placed.

2. Where a sign consists of individual letters, words or symbols attached to a surface, building, canopy, awning or wall and all such elements are located in the same plane; the sign area shall be the area of the smallest geometrical shape that completely encompasses all such letters, words or symbols. Where such sign includes multiple words, each word located in the same plane shall be computed separately.

3. Embellishments that do not exceed 15 percent of the sign face area are allowed and are not counted toward the area of a sign.

(b) *Computation of area of multi-faced signs.* The sign area for a sign with more than one face shall be computed by adding together the area of all sign faces visible from any one point. When two or more sign faces are placed so that the faces cannot be viewed from any point at the same time, and when such sign faces are part of the same sign structure the sign area shall be computed by the measurement of one of the faces.

(c) *Computation of height.* Except as provided in this chapter for off-premise signs on Hwy 181, the height of a sign shall be computed as the mean distance from the base(s) of the sign at normal grade to the top of the highest attached component of the sign. Normal grade shall be construed to be the lower of:

- 1.. Existing grade prior to construction, or
2. The newly established grade after construction, exclusive of any filling, berming, mounding, or excavating solely for the purpose of locating the sign.

Sec. 14. Landmark signs.

To be recognized and designated as landmark signs, an individual sign must be approved by the procedures adopted by the historic landmark commission. To be considered for designation, these signs shall exhibit such a unique character, design, or historical significance to be recognized as such to the community.

Sec. 15. Temporary signs on private property.

Temporary signs on private property, limited to banners, are allowed only upon issuance of a temporary sign permit, which shall be subject to the following requirements:

- (a) *Term.* A temporary sign permit allows the use of a temporary sign(s) for no more than 90 total days within a calendar year.
- (b) *Number.* Only one temporary sign will be permitted at a time to the same business on the same lot.
- (c) *Size.* The maximum size of the banner shall be one and one-half square feet per one foot of building facade for the business using the banner.

Sec. 16. Temporary street banners.

TxDot is authorized to establish procedures for the permitting and installation of temporary banners placed in public right-of-way. Such banners shall be allowed for the following public events upon compliance with the established procedures:

- (a) Events of a charitable or humanitarian nature;
- (b) Events of an educational, scholastic or artistic nature;
- (c) Other events of community or public interest which are non-political in nature and are for the benefit of a non-profit group.

Sec. 17. Sign specifications, design and other requirements.

All signs shall be designed, constructed, and maintained in accordance with the following standards:

- (a) Except for banners, flags, temporary signs, and window signs conforming in all respects with the requirements of this ordinance, all signs shall be constructed of durable materials and shall be permanently attached to the ground, a building, or another structure by direct attachment to a rigid wall, frame, or structure.
- (b) All signs shall be maintained in good condition, including replacement of defective or missing parts, painting, cleaning, and replacement or covering of sign faces exhibiting damage or deterioration, in compliance with all building and electrical codes, and in conformance with the applicable provisions of this ordinance, at all times.
- (c) All signs shall maintain a minimum clearance from electric power lines of ten feet horizontally and ten feet vertically, or as may otherwise be required by the utility provider. Any relocation of power lines to provide this clearance will be at the expense of the sign owner or as otherwise required by the electrical utility.
- (d) Damaged or deteriorated signs which are not repaired within 30 days following the date of the notice to repair same given by the building official, code enforcement officer, or any police officer to the party responsible for such sign, must be removed. Such 30-day period may be extended provided that a bona fide work order bearing a delivery date for repairs is submitted to the building official within such 30-day period. The 30-day period may be extended until seven days following the completion date for repairs shown on the work order.
- (e) If the building official, public works director, or police officer determines that a sign poses an immediate danger to the public, then such sign may be removed by the city at the expense of the party responsible. Any sign so removed will be stored or impounded and will not be returned to the party responsible until all applicable expenses and charges are paid. If any sign remains unclaimed for a period of 30 days after its removal or if the removal and storage costs are not paid within the 30-day period, the city may destroy, sell or otherwise dispose of the sign.

Sec. 18. Penalty for violation of chapter.

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 chapter 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 chapter is committed, continued or permitted, and upon conviction of any such violation shall be punishable by a fine not to exceed \$1,000.00.

Sec. 19 Severability


The provisions of this ordinance are hereby declared to be severable and if any provision, clause, section or part thereof is held illegal, invalid, unconstitutional or inapplicable to any person or circumstance, such illegality, invalidity, unconstitutionality shall not effect or impair any of the remaining provisions, sentences, clauses, sections, sub-sections or parts of this ordinance or their applications to person and circumstances.

First reading April 21, 2008

Passed and Approved by the City Council of the City of Poth Texas on this the 19th day of ,
May, 2008.


Mayor – Chrystal Eckel

Attest:


Gladys Billimek – City Secretary

ORDINANCE # 051908-B
Regulation of Billboards & CEVMS

AN ORDINANCE DEFINING AND PROHIBITING THE
CONSTRUCTION OF NEW BILLBOARDS AND PROHIBITING THE
CONVERSION OF EXISTING BILLBOARDS INTO CHANGEABLE
ELECTRONIC VARIABLE MESSAGE SIGNS (CEVMS) IN THE
CORPORATE AND ETJ LIMITS OF THE CITY OF POTH, TEXAS.

WHEREAS, the city council agrees with the American Society of Landscape Architects' determination that outdoor advertising signs tend to deface nearby scenery, whether natural or built, rural or urban;

WHEREAS, city council agrees with courts that have recognized that outdoor advertising signs tend to interrupt what would otherwise be the natural landscape as seen from the highway, whether the view is untouched or ravished by man, and that it would be unreasonable and illogical to conclude that an area is too unattractive to justify aesthetic improvement;

WHEREAS, the city council has determined that outdoor advertising signs, including changeable electronic variable message signs, pose a distraction to drivers, bikers and pedestrians from the roadway;

WHEREAS, the city council has determined that in order to preserve and enhance the City as a desirable community in which to live and do business, a pleasing, visually attractive environment is of foremost importance; and these regulations are a highly contributive means by which to achieve this desired end and have been prepared with the intent of enhancing the visual environment of the City and promoting safety and continued well-being;

WHEREAS, the city council has determined that these regulations maintain and enhance the aesthetic environment, improve pedestrian and traffic safety, lessen unnecessary visual clutter that competes for the attention of pedestrian and vehicular traffic, regulates signs in a manner so as to not interfere with, obstruct the vision of or distract motorists, bicyclists or pedestrians, conserve, protect, and enhance the aesthetic quality of the City, protect property values by precluding sign-types that create a nuisance to the occupancy or use of other properties;

WHEREAS, the city council has determined that off-premise signs, commonly known as billboards, are inconsistent with the above-stated goals;

WHEREAS, the city council has determined that changeable electronic variable message signs (CEVMS), as defined herein, are inconsistent with the above-stated goals;

WHEREAS, the city council finds that Section 216.902 of the Local Government Code provides for the application of its outdoor advertising sign regulations to extend into the extraterritorial jurisdiction (ETJ) of the city.

NOW, THEREFORE BE IT ORDAINED THAT THE CITY COUNCIL OF THE CITY OF POTH, TEXAS:

DEFINITIONS

Changeable electronic variable message sign (CEVMS): shall mean a sign which permits light to be turned on or off intermittently or which is operated in a way whereby light is turned on or off intermittently, including any illuminated sign on which such illumination is not kept stationary or constant in intensity and color at all times when such sign is in use, including an LED (light emitting diode) or digital sign, and which varies in intensity or color. A CEVMS sign does not include a sign located within the right-of-way that functions as a traffic control device and that is described and identified in the Manual on Uniform Traffic Control Devices (MUTCD) approved by the Federal Highway Administrator as the National Standard.

Off-premise sign: shall mean any sign, commonly known as a billboard, that advertises a business, person, activity, goods, products or services not located on the premises where the sign is installed and maintained, or that directs persons to a location other than the premises where the sign is installed and maintained.

On-premise sign: shall mean any sign identifying or advertising the business, person, activity, goods, products or services sold or offered for sale on the premises where the sign is installed and maintained when such premises is used for business purposes.

Sign Code Application Area: shall mean the corporate limits of the city and the area of its extraterritorial jurisdiction as defined by Section 42.021 of the Local Government Code.

Prohibitions:

PROHIBITION OF NEW OFF-PREMISE SIGNS.

From and after the effective date, no new construction permit shall be issued for the erection of an off-premise sign, including but not limited to a new off-premise CEVMS or the conversion of an existing non-CEVMS off-premise sign to a CEVMS within the Sign Code Application Area.

Prohibition of Changeable Electronic Variable Message Signs. From and after the effective date, no CEVMS shall be allowed within the Sign Code Application Area.

RIGHT OF ENTRY

City employees, or authorized representatives of the City, bearing proper credentials and identification, shall be permitted to immediately enter upon any premises located within the corporate limits of the city to conduct any inspection or observation necessary to enforce this Ordinance.

PENALTY

Any person who shall violate any provision of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined in an amount not to exceed \$2000.00. Each day of violation shall constitute a separate offense.

REQUIRED REMOVAL.

Any person who shall violate any provision of this Ordinance shall be required to remove the prohibited construction within 10 days after notification that they are in violation of this Ordinance.

SEVERABILITY

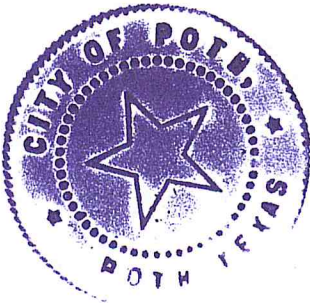
In the event any clause phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstances shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Poth, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, whether there be one or more parts.

PASSED, APPROVED, AND ADOPTED on the second and final reading this 19th the day of May 2008.

Crystal Eckel
Mayor

ATTEST:

Gladya Billimek
City Secretary



AMENDMENT

ORDINANCE NO: 051908-A

AMENDMENT NO: I

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF POTH THAT:

Ordinance no 051908-A is hereby amended as follows:

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Section 9 - Prohibited Signs


(m) CEVMS a changeable electronic variable message sign which permits light to be turned on or off intermittently or which operates in a way whereby light is turned on or off intermittently, including any illuminated sign on which such illumination is not kept stationary or constant in intensity and color at all times when such sign is in use, including an LED (light emitting diode) or digital sign, and which varies intensity or color.

Delete

Section 11 – Changeable Electronic Variable Message Sign

Passed, and Approved this the 16th of June, 2008




City Secretary – Rose Huizar


Mayor – Chrystal Eckel

City of Poth, Texas

DEVELOPMENT PERMIT -- SIGNS

1. Name of Applicant: _____
 Mailing Address: _____
 Phone #: Home _____ Work: _____
 Property Owner: _____
 Mailing Address: _____
 Phone #: Home _____ Work: _____

2. Location of property (complete as appropriate) if located in a subdivision:

Name of Subdivision	Section No.	Blk #	Lot #
If not located in a subdivision			

Name & No of Survey/Abstract	Acreage
Location Description - Physical Address (attach a vicinity map)	

3. Nature of ~~Business~~ for proposed sign: _____

4.. Description / Specifications

Provide one copy of plans & specifications of proposed construction showing property dimensions, set backs, size of structure & distance from any existing buildings.

11. By signing below, I the undersigned certify that I am authorized to place said structure on the above described property and that I agree to the conditions/provisions set forth in City Ordinance # 051908. I further understand that any alteration of submitted plans and specifications which are not approved by the City could result in the nullification of this permit by the City of Poth.

Printed

Name: _____ Signature: _____

Date: _____

**** All permits not used and completed expire 180 days from date of approval****

City of Poth, Texas DEVELOPMENT PERMIT – SIGNS

FOR USE BY CITY ADMINISTRATION

The above named applicant applied for a development permit on _____.

The application has been reviewed by a city representative. A review of the specification of the project were conducted on _____.

() and it was determined that the proposed development as submitted is in conformance with the development standard and meets all regulations and specifications as required by the City of Poth.

() and it was determined that the proposed development as submitted does not met with the development standards and regulations & specifications as required by the City of Poth.

() and it was determined that the application was incomplete and additional information is required.

Reviewed by: _____ Date: _____