

CITY OF WOODCREEK

ORDINANCE No. 08-118

SIGN ORDINANCE

AN ORDINANCE AMENDING THE SIGN ORDINANCE OF THE CITY OF WOODCREEK, TEXAS; ESTABLISHING REGULATIONS FOR SIGNS IN THE CITY LIMITS AND EXTRATERRITORIAL JURISDICTION; PROVIDING FOR THE FOLLOWING: RULES; STANDARDS; PROCEDURES; CRIMINAL PENALTIES; AND SEVERABILITY.

WHEREAS, the City Council of the City of Woodcreek (“City Council”) seeks to provide clarification within the former sign ordinance of the City of Woodcreek (“City”); and

WHEREAS, the City Council recognizes that religious signs are included in the constitutional right to post certain signs on one’s own property; and

WHEREAS, pursuant to Chapter 216 of the Texas Local Government Code and Chapter 391 of the Transportation Code, municipalities have the authority to regulate signs; and

WHEREAS, the City Council finds that it is necessary and proper for the good government, peace or order of the City of Woodcreek to adopt this Ordinance regulating signs.

NOW, THEREFORE, BE IT ORDAINED by the Woodcreek City Council:

1. FINDINGS OF FACT

The foregoing recitals are incorporated into this Ordinance by reference as findings of fact as if expressly set forth herein.

2. AMENDMENT

The City’s Sign Ordinance is hereby amended in its entirety, and after such amendment, shall read in accordance with *Attachment “A”*, which is attached hereto and incorporated into this Ordinance for all intents and purposes.

3. REPEALER

To the extent reasonably possible, ordinances are to be read together in harmony. However, all ordinances, or parts thereof, that are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters regulated, herein.

4. SEVERABILITY

Should any of the clauses, sentences, paragraphs, sections or parts of this Ordinance be deemed invalid, unconstitutional, or unenforceable by a court of law or administrative agency with jurisdiction over the matter, such action shall not be construed to affect any other valid portion of

this Ordinance.

5. CODIFICATION

The City Secretary is hereby directed to record and publish the attached rules, regulations and policies in the City's Code of Ordinances as authorized by Section 52.001 of the Texas Local Government Code.

6. EFFECTIVE DATE

This Ordinance shall be effective immediately upon passage and publication as provided for by law.

7. PROPER NOTICE & MEETING

It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public, and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Texas Government Code, Chapter 551. Notice was also provided as required by Chapter 52 of the Texas Local Government Code.

PASSED & APPROVED this, the 12th day of November 2008, by a vote of 3 (ayes) to 0 (nays) to 0 (abstentions) of the City Council of Woodcreek, Texas.

CITY OF WOODCREEK:

by: 
Mayor Gloria Whitehead

ATTEST:


Pieter Sybesma, Interim City Administrator

APPROVED AS TO FORM:

Alan J. Bojorquez, City Attorney

SIGN ORDINANCE

TABLE OF CONTENTS

SECTION 1.	ENACTMENT PROVISIONS
SECTION 2.	COMPLIANCE REQUIRED
SECTION 3.	DEFINITIONS
SECTION 4.	DESIGN GUIDELINES
SECTION 5.	EXEMPTIONS FOR CERTAIN SIGNS
SECTION 6.	PROHIBITED SIGNS (GENERAL)
SECTION 7.	PROHIBITED SIGNS IN RESIDENTIAL DISTRICTS
SECTION 8.	RESTRICTIONS ON CERTAIN SIGNS
SECTION 9.	UNIFORM SIGN RESTRICTIONS
SECTION 10.	SIGN PERMITS
SECTION 11.	SIGN MAINTENANCE
SECTION 12.	LEGAL NON-CONFORMING SIGNS
SECTION 13.	WAIVERS
SECTION 14.	ENFORCEMENT

SIGN ORDINANCE

SECTION 1. ENACTMENT PROVISIONS

1.1. Popular Name

This Ordinance shall be commonly cited as the “Sign Ordinance.”

1.2. Jurisdiction

The provisions of this Ordinance shall apply within the City Limits and extraterritorial jurisdiction (ETJ) of the City of Woodcreek (“City”) as defined by state law.

1.3. Purpose

This Ordinance is adopted so that the City Council of the City of Woodcreek (“City Council”) may promote the public health, safety, morals and general welfare within the City through the regulation of signs. The purpose of this Ordinance is to provide for the orderly construction, erection, repair, demolition, maintenance, removal and relocation of signs within the corporate boundaries and extraterritorial jurisdiction of the City. These rules and regulations are designed to provide uniform sign standards and to promote a positive City image reflecting order, harmony and pride. More specific objectives include the following:

1.3.1. Safety

To promote the safety of persons and property by providing signs that:

- (a) Do not create a hazard due to collapse, fire, collision, decay or abandonment.
- (b) Do not obstruct firefighting or police surveillance.
- (c) Do not create traffic hazards by confusing or distracting motorists, or by impairing the driver’s ability to see pedestrians, obstacles, other vehicles, or traffic signs.

1.3.2. Communications Efficiency

To promote the efficient transfer of information in sign messages by providing for signs that:

- (a) Give priority to messages and information most needed and sought by the public;
- (b) Allow businesses and services to identify themselves;
- (c) Allow customers and other persons to locate a business or service;
- (d) Do not arbitrarily deny any person or group the use of the lines of vision from the public right-of way; and
- (e) Do not overwhelm persons by the number of messages presented or do not inhibit the observer’s freedom of choice to observe or ignore said messages, according to the observer’s purpose.

1.3.3. Landscape Quality and Preservation

To protect the public welfare and to enhance the appearance and economic value of the City, by providing those signs that:

- (a) Do not interfere with scenic views.
- (b) Do not create a nuisance to persons using the public rights-of-way.
- (c) Do not create a nuisance to the occupant of any property by their brightness, size, height or movement.

(d) Do not diminish or are not detrimental to land or property values.

SECTION 2. COMPLIANCE REQUIRED

No person may construct, place, erect, repair, maintain or use a sign after the effective date of this Ordinance unless such erection, construction, reconstruction, repairs, maintenance or use meets all the provisions of this Ordinance, and all other applicable ordinances adopted by the City Council of the City of Woodcreek, Texas.

SECTION 3. DEFINITIONS

3.1. Interpretation

Words and phrases used in this Ordinance shall have the meanings set forth in this section. Words and phrases not defined in the Ordinance shall be given their common, ordinary meaning unless the context clearly requires otherwise. When not inconsistent with the context, words used in the present tense shall include the future tense; words in the plural number shall include the singular number (and *vice versa*); and words in the masculine gender shall include the feminine gender (and *vice versa*). The word "shall" is always mandatory, while the word "may" is merely directory. Headings and captions are for reference purposes only. Unless otherwise expressly indicated, references to state and federal laws, final regulations and formal guidance shall refer to the then current enactment of such laws, final regulations and formal guidance, as they are amended from time to time.

3.2. General Definitions

Area: as applied to any sign, means the square foot area enclosed by the perimeter of the sign face with each face contributing to the aggregate area. The area to be measured encompasses the extreme limits of the writing, representation, emblem or other display together with any material or color forming an integral part of the background of the display or used to differentiate the sign material from the backdrop or structure against which the sign is placed, but excludes any sign supports or supporting framework. In cases where a sign, or a portion of a sign, is composed only of letters, figures, or other characters standing against no sign face background, then the sign face area is the area of the smallest simple imaginary figure (circle, triangle, rectangle, or other) which fully contains the sign content. The area of a sign with more than one face is the sum of the areas of all sign faces visible from any one point. However, a sign structure with two faces back-to-back, oriented in opposite directions and separated by not more than three (3) feet, with the same copy on both sides, shall be counted only as the area of one face.

Average Illumination: as applied to any sign means the calculated average value of the maximum illumination and the minimum illumination ((maximum illumination + minimum illumination) / 2).

City: the City of Woodcreek, a duly incorporated municipality located in Hays County, Texas.

City Administrator: the administrative officer appointed by the City Council of the City of Woodcreek, or the administrator's designated representative.

City Council: the governing body of the City of Woodcreek.

City Limits: the corporate municipal boundaries. The term does not include the City's extraterritorial jurisdiction, as that term is defined by state law.

Commercial Complex: any development such as a shopping center, office park or industrial park, that consists of two or more establishments on a single platted lot, or that is designed, developed and managed as a unit.

Direct Illumination: as applied to any sign means that illumination arriving directly from a light source without reflection from other objects.

Establishment: a building on any land used for any purpose regardless of the commercial, nonprofit or public nature of the activity, but excluding a building used solely as a residence.

Fixture: an assembly of one or more light sources and related components.

Foot Candle: is a standard unit of illumination (engineering term) defined as one (1) lumen per square foot.

Height: as applied to any sign, is the vertical distance between the highest attached component(s) of the sign or of its supporting structure, whichever is higher, and the average established ground level beneath the sign. The established ground level beneath the sign is the lower of (1) the existing grade prior to construction of the sign or (2) the newly established grade after construction, exclusive of any filling, berming, mounding or excavating solely for the purpose of locating the sign, unless the curb elevation at the street in front of the sign is higher than the established ground level, in which case the height shall be measured from curb level.

Illumination: as applied to any sign means the intensity or brightness of light expressed in foot candles.

Lens: as applied to any sign means a transparent or translucent material enclosing, surrounding, or placed between a light source and the area it illuminates.

Light Source: as applied to any sign means any construction, including a primary transparent or translucent envelope, that emits light; such as but not limited to an incandescent lamp, an arc lamp, a fluorescent tube, a neon tube.

Line of Sight: as applied to a light source used to illuminate any sign means a straight line from the eye of an observer three (3) feet or more above the ground to the light source and/or its lens and/or an intended or incidental specular reflecting surface.

Lumen: a standard unit (engineering term) of light flux defined as the flux emitted by a light source of one candle.

Maximum Illumination: as applied to any sign means the illumination at the point on the sign having the greatest illumination.

Minimum Illumination: as applied to any sign means the illumination at the point on the

sign having the least illumination.

Non-Residential Sign District: any lot or tract, of land located inside the City Limits or in the City's extra-territorial jurisdiction, and which is not within a Residential Sign District.

Person: any human individual or corporation, organization, government or governmental subdivision or agency, business trust, estate, trust, partnership, association, and any other legal entity. This term includes a responsible party.

Public Right-of-Way: the area on, below, above, or bordering a public roadway, highway, street, sidewalk, alley, water way, or easement, in which the City, any other governmental entity, or any public utility has an interest.

Reflected Illumination: as applied to any sign means the light from a light source used to illuminate the sign reflected from any surface.

Residential Sign District: any lot or tract of land which is located inside the City Limits or in the City's extra-territorial jurisdiction, and which:

- (a) is vacant;
- (b) is in any form of agricultural use;
- (c) has a residence as the principal use; or
- (d) is zoned for residential use, including multi-family residential of any form.

Responsible Party or Party Responsible: the person, firm, organization or other entity whose establishment, product, service, activity or enterprise of any character is announced or advertised by the sign, or whose message is carried by the sign, and the owner of the land upon which the sign is located and the owner of the sign. The term expressly includes a tenant/lessee who exercises control or authority over a sign.

Sign: any structure, display, light device, figure, painting, drawing, message, plaque, poster, billboard, letter or series of letters, symbol, trademark, logo, or device designed, intended, or used to advertise, inform, convey, or attract the attention of people to the subject matter thereof, including an individual, firm, profession, business, organization, institution, commodity, product, service, activity, cause or purpose. This term does not include a traffic control device erected or maintained by a governmental entity.

Specular Reflecting Surface: any mirror-like surface, whether part of a fixture or not, that reflects an image (no matter how imperfect or distorted) of a light source.

Waiver: a deviation or departure from a strict standard, or application of one or more specific provisions in this Ordinance.

3.3. Types of Signs

Particular types of signs are defined by their purpose or use, by their location, and by the nature of their construction, and therefore any one actual sign may be encompassed by multiple definitions and subject to the regulations in multiple sections of this Ordinance. Types of signs that are regulated by this Ordinance are defined as follows.

Attached Sign: all wall signs, awning signs, canopy signs and projecting signs.

Auxiliary Sign: a sign of any construction, not exceeding one (1) square foot in area, which is not part of another sign and which is customarily secondary and incidental to the principal use of any non-residential premises, such as one indicating hours of operation, credit cards accepted, or restrictions of sale to minors, or which is customarily secondary and incidental to a residence, such as "no soliciting" or "beware of the dog."

Awning Sign: a sign painted on or attached to the outside of an awning, canopy or any similar structure such as is typically extended in front of a window or door or over a patio, deck or walkway as a protection from the sun or rain, regardless of whether the structure is retractable. A sign which is suspended from or projects into the space beneath an awning, canopy or similar structure, or which is painted on, attached to or suspended from interior surface, so as to be read from within the area enclosed by the structure, is a canopy sign.

Balloon: inflatable signs, and inflatable devices of any other kind.

Banner: a sign intended to be hung either with or without frames, made of paper, plastic, fabric or any other flexible material, and which is used by its colors, characters, lettering, illustration or ornamentation to call attention to an establishment, product or event on the site thereof or which is a community service sign. Flags are distinguished from banners for the purposes of this Ordinance.

Beacon: any light with a beam directed into the atmosphere or directed at a point which is not on the same lot or tract of land as the light source, or a light with one or more beams that rotate or move.

Billboard: any sign which is used or designed to be used to advertise, inform or call attention to any product, commodity, real estate or service which is to be obtained or is located at a place other than on the premises on which the sign is located, or to advertise or call attention to any establishment, business or activity which is not located on the same premises as the sign. The term includes what is commonly referred to as an "off-premise sign."

Bulletin Board: a sign that is principally devoted to posting announcements of interest to the members or clientele of an organization concerning the activities of the organization, such as is customarily erected by a governmental entity, church, social club, society, school or charitable organization.

Canopy Sign: a sign that is suspended from the underside of an awning or canopy structure or which projects into the space enclosed within or beneath an awning or canopy structure. A sign which is painted on or attached to the outside of an awning or canopy structure is an awning sign.

Changeable Copy Sign: a sign or part of a sign on which characters, letters or illustrations can be changed or rearranged without altering the face or surface of the sign, such as a theater marquee, a gasoline price sign, or a sign identifying the occupants of a shopping center. A sign on which the only copy that changes is a matter of general public information, such as the current time and temperature or an index of stock market averages, and which contains no other commercial message, is a public service sign. Any sign other than a public service sign on which the message changes more than once per day is a flashing sign.

Commercial Sign: any sign, regardless of its location or construction, whose wording or

other contents, directly or indirectly, names, advertises or calls attention to any business, product, service, institution, organization, event, cause, purpose or other activity.

Community Service Sign: a sign which solicits support for or participation in a non-profit, non-political, community, public or social purpose, cause, event or activity, such as one marking a holiday or holiday season, or one supporting school activities, charitable programs, religious activities, or events of community interest.

Construction Sign: a sign placed on a construction site identifying or announcing the character of the project and/or the names of the owners, developers, financiers, architects, engineers, contractors, leasing agents and others associated with the project.

Directional Sign: a sign which is separate from other signs, incidental and secondary to the principal use of the land on which it is located, and whose primary purpose is to give directions such as to parking lots, exits, entrances, or drive-through windows, or directives such as "no parking" or "loading only."

Drive-Through Window Sign: a sign which is secondary to the principal use on the premises of an establishment having a drive-through window for customer service, devoted to informing customers approaching the drive-through window of information such as the menu, services available or prices at the establishment.

Event Sign, Off-Site: a sign giving directions to an occasional event at another location, other than a business event at an establishment, such as directions to a civic or other non-commercial ceremony, to an event for the members of an organization, or to an event at a residence such as a garage sale, home for sale, real estate open house, or private party.

Event Sign, On-Site: a sign which is placed to advertise or mark the location of an occasional event on the same site, other than a business event at an establishment, such as a civic or other non-commercial ceremony, an event for the members of an organization, or an event at a residence such as a garage sale, home for sale, real estate open house, or private party.

Facilities Location Sign: a sign which is placed to provide directions to either the entrance to the Golf Course or Camp Young Judea, each constituting a major facility within the City Limits.

Flag: a piece of fabric of distinctive design of any governmental jurisdiction or a piece of fabric of distinctive design adopted by a business, institution or other organization and containing only the name, logo or other symbolic emblem of that business, institution or organization.

Flashing Sign: a sign with flashing, blinking, moving, rotating or traveling lights, or with lights that change in color or intensity, whether the sign is an illuminated sign or not, or a sign which uses lights to form traveling messages or messages which change more than once per day. This term does not include a public service sign.

Free Standing Sign: either a monument sign or a self supported sign.

Garage Sale Sign: a sign that advertises the location, time, and/or date of a garage sale (sale of individual items) at a residence within the City Limits or ETJ.

Illuminated Sign: a sign illuminated in any manner by an artificial light source of any kind, either detached from the sign or a part thereof. Signs that are only incidentally and indirectly illuminated as a result of a lighting plan primarily designed as security lighting or landscape lighting are not illuminated signs.

Integral Sign: a sign indicating the name of a building, as distinct and clearly distinguished from the name of a business, institution or other entity occupying the building, or indicating the date or other information of historical interest about the building's construction, when such sign is cut or molded into a masonry surface which forms part of a wall of the building or when it is constructed as a plaque or tablet of bronze or other incombustible material and permanently mounted on the face of the building.

Legal Non-Conforming Sign: a sign that lawfully existed as of April 11, 2007 (the original adoption date of this Ordinance), but does not conform to all of the regulations contained in this Ordinance upon the effective date of the amendments to this Ordinance. This term does not include signs that existed as of April 11, 2007, on trees, utility poles or pedestals or on public land or public rights-of-way without the express consent of the owner of such property.

Model Home Sign: a sign that is located on the same lot as a model home in a residential subdivision and which calls the attention of prospective buyers to the model home.

Monument Sign: a sign that is built as a monument directly on the ground. This term does not include a self-supported sign.

Monument Sign, Changeable Copy: a monument sign that incorporates a changeable copy feature into the sign.

Moving Sign: a sign or any part of a sign which rotates, moves, or uses lighting to simulate motion or animation.

Name Plate: a sign, mounted flat against the wall of a building and not projecting more than one (1) inch from the face of the wall, indicating the name and/or address of the building, and/or the name of an occupant thereof, and/or the practice of a permitted home occupation therein.

Pet Sign (Lost/Found): a sign that provides notice that a pet (e.g., dog or cat) has been lost or found. Such signs provide information regarding the pet's name and description, as well as relevant contact data.

Political Sign: a sign that supports or opposes any candidate for public office or any proposition to be voted upon at an election, or which makes a political or ideological statement in the nature of constitutionally protected non-commercial free speech.

Portable Sign: any sign that is not permanently attached to the ground or to a permanent structure, or a sign designed to be transported, whether on attached wheels or otherwise. This term does not include construction signs, on-site event signs, off-site event signs, realty signs, sidewalk signs and political signs.

Projecting Sign: any sign whose outside edge extends more than twelve (12) inches from

the face of a wall to which it is attached, or which extends at any point above or beyond the end of a wall to which it is attached. This term does not include an awning sign or canopy sign.

Promotional Sign: any generic sign promoting a product or service by brand name and that is not specific to the establishment displaying the sign. Such signs are typically provided to vendors by distributors or manufacturers and can be used by any vendor of such products or services.

Public Service Sign: a sign or part of a sign that is devoted to changeable messages of general public information without other commercial content, such as the current time and temperature or an index of stock market averages.

Realty Sign: a sign which advertises the property on which it is located for sale, lease, or rent.

Residential Development Sign: a sign at the entrance to a residential development, such as a series of townhouses, an apartment complex or a residential subdivision, that identifies the name and/or the address of the residential development.

Roof Sign: any sign that is mounted on or above the roof of a building or is supported by or painted on or applied to the roof of a building. This term does not include a projecting sign whose principal support fixtures are attached to a wall.

Self-Supported Sign: a permanent sign above the ground that is erected on supports placed on or anchored in the ground, and which is independent of any other structure for its support. This term does not include a monument sign.

Sidewalk Sign: a sign, regardless of its construction, that is designed to be placed temporarily on the ground or sidewalk adjacent to or in the immediate vicinity of an establishment in order to advertise or call attention to the goods or services offered at that establishment.

Single Family Address Sign: a sign that identifies the name of the occupants and/or the address of a single family or duplex residence. This term does not include any commercial sign or a name plate.

Vehicular Sign: a vehicle, whether motorized or a trailer, that is mounted above the ground as a sign or part of a sign, or any sign attached to or painted on such a vehicle which is mounted above the ground or which is parked so as to be visible from a street when such vehicle is not actually used for transportation in the day-to-day affairs of its owner, as evidenced by current license plates and a current state inspection sticker. This term also includes signs in a vehicle advertising the vehicle itself for sale.

Wall Sign: a sign painted on or mounted parallel to a wall of any building, provided that the sign does not project over any public land or street right-of-way, or extend more than 12 inches from the face of the wall to which the sign is mounted, or extend at any point above or beyond the end of such wall. This term does not include a name plate or an integral sign. This term includes any sign which is painted on or placed inside or upon a door or window, or another opening in such wall, or which is placed inside a building and oriented so as to be read from any such opening.

Wall Sign, Changeable Copy: a wall sign, which incorporates a changeable copy feature into the sign. This term includes any sign which is painted on or placed inside or upon a door or window, or another opening in such wall, or which is placed inside a building and oriented so as to be read from any such opening.

SECTION 4. DESIGN GUIDELINES

4.1. Policy

It is the policy of the City to encourage signage which is appropriate to the hill country setting and the rural scale of the City and Hays County, and to discourage signs which are in conflict with the established character of the community. To this end, all sign owners are required to conform to the following guidelines for sign location, configuration, placement, materials, and lighting.

4.2. Location

Signs shall be located with sensitivity to preserving the natural landscape, and scenic setting, or environment. Signs shall be incidental complements to the principal use of a site, and should never be allowed to visually dominate a site.

4.3. Configuration

The height, width and area of a sign must all be in proportion to the dimensions of a building to which the sign is attached and in architectural harmony with surrounding structures. Sign dimensions should respect the size, scale and mass of a building facade, the height of the building, and the rhythms and sizes of window and door openings.

4.4. Placement

No sign should be placed upon a building or structure in any manner that would disfigure, damage, or conceal any significant architectural feature or detail of the building.

4.5. Materials

Sign materials shall be predominantly natural, such as native stone, rough cedar, pine or other types of wood, metal, or materials that simulate natural materials and sign colors should be in harmony with the natural surroundings.

4.6. Lighting

Lighting shall be no brighter than is necessary to permit the sign to be read from a reasonable distance.

SECTION 5. EXEMPTIONS FOR CERTAIN SIGNS

5.1. The following types of signs are exempt from regulation under this Ordinance:

- (a) Any sign inside a building, not attached to a window or door and not oriented so as to be read from outside the building.
- (b) Commemorative plaques and historical markers mounted on the face of a building or erected on a site as a free-standing monument, when placed by a governmental entity, historical society or religious organization to commemorate a person, event or other

matter of historical interest.

- (c) Any sign erected or required to be erected by any governmental entity or public utility to give information, directions or warnings to the general public, regardless of the sign's location on public or private property.

SECTION 6. PROHIBITED SIGNS (GENERAL)

- 6.1.** No person shall construct, place, erect, or use signs of the following nature on any property within the City Limits or Extraterritorial Jurisdiction of the City.
- (a) Balloons with a volume greater than twenty- seven (27) cubic feet.
 - (b) Beacons.
 - (c) Billboards.
 - (d) Changeable Copy Signs except for gasoline pricing signs, changeable copy wall signs, changeable copy monument signs and movie theater marquees.
 - (e) Flashing signs.
 - (f) Moving signs.
 - (g) Portable signs
 - (h) Promotional signs except those located on or inside of a window of an establishment.
 - (i) Roof signs.
 - (j) Sidewalk signs.
 - (k) Vehicular signs, other than one sign advertising the vehicle itself for sale not to exceed 1.5 square feet in area in the window of the vehicle.
 - (l) Posters, pennants, ribbons, streamers, strings of light bulbs, spinners or other similar devices. Flags and banners, as regulated elsewhere in this Ordinance, are not included in this prohibition. This provision does not apply to temporary strings of light bulbs used solely in celebration of religious or cultural holidays, or to strings of “miniature Christmas tree type” white lights attached to an establishment for a period not to exceed forty-five (45) days.
 - (m) Signs that contain statements, words or pictures of an obscene, indecent, or immoral character or which offend public morals or decency.
 - (n) Signs that the City Administrator identifies as constituting a hazard to vehicular or pedestrian traffic either because their location interferes with or obstructs the view of a traffic sign, signal or device or because their design or content may be confused with or construed as a traffic sign, signal or device.

- (o) Commercial signs of any character, in any form of construction, and at any location except as permitted by this Ordinance.
- (p) Signs whose wording or other contents, directly or indirectly, names, advertises or calls attention to any business, product, service, institution, organization, event, cause, purpose or activity that has ceased to be in operation for more than forty-five (45) days.
- (q) Directional signs that direct motorists to park or not park on public property or public right-of-way. This provision does not apply to the particular governmental entity that is the owner, custodian, trustee or manager of the public land or public rights-of-way.

SECTION 7: PROHIBITED SIGNS IN RESIDENTIAL DISTRICTS

7.1. In addition to the types of signs enumerated in Section 6 of this Ordinance, no person shall construct, place, erect or use any of the following types of signs in a Residential Sign District within the City Limits or the City's extraterritorial jurisdiction:

- (a) Attached Sign
- (b) Auxiliary Sign
- (c) Awning Sign
- (d) Banner
- (e) Canopy Sign
- (f) Changeable Copy Sign
- (g) Commercial Sign
- (h) Community Service Sign
- (i) Construction Sign
- (j) Drive-Through Window Sign
- (k) Event Sign, Off-Site
- (l) Event Sign, On-Site
- (m) Illuminated Sign
- (n) Monument Sign, Changeable Copy
- (o) Moving Sign
- (p) Projecting Sign
- (q) Promotional Sign
- (r) Public Service Sign
- (s) Roof Sign
- (t) Sidewalk Sign
- (u) Wall Sign
- (v) Wall Sign, Changeable Copy

SECTION 8. RESTRICTIONS ON CERTAIN SIGNS

8.1. No person shall construct, place or erect the following signs, except as provided in this Ordinance.

8.1.1. Attached Signs

In aggregate, the area of attached signs in a Non-Residential Sign District cannot exceed the lesser of: ten (10%) percent of the area of the wall to which they relate,

including windows and doors, or thirty (30) square feet.

8.1.2. Auxiliary Signs

The aggregate area of all auxiliary signs on any establishment shall not exceed two (2) square feet.

8.1.3. Awning Signs

Awning Signs may not exceed sixteen (16) square feet in area.

8.1.4. Banners

Banners must be securely attached to a building or other permanent structure and they must be kept in good repair throughout the time of their display. No establishment may display more than two (2) banners at any one time. Banners, including community service signs, shall not exceed twelve (12) square feet in area and they shall not be erected for more than fourteen (14) days in succession. They shall be removed by the responsible party within no more than three (3) days following any event to which they relate and they shall not be placed on any site more than three (3) times within a twelve (12) month period.

8.1.5. Bulletin Boards

A bulletin board may be located only on the premises of the institution or organization to whose activities it pertains. A bulletin board may not exceed sixteen (16) square feet in area.

8.1.6. Canopy Signs

Only one (1) canopy sign may be permitted per establishment. No canopy sign may extend beyond an edge of the canopy structure to which it is attached. Except at a corner, no canopy sign may be closer than five (5) feet from the end of the longer side of the canopy structure. A canopy sign which is perpendicular to a building face may not exceed two-thirds (2/3) of the width of the canopy structure or exceed eight (8) square feet in area. A minimum spacing of ten (10) feet must be provided between such canopy signs. A canopy sign which is parallel to a building face may not exceed two-thirds (2/3) of the length of the canopy structure or exceed sixteen (16) square feet in area. No canopy sign may extend more than two (2) feet either above or below the horizontal underside of the canopy structure. No canopy sign shall be less than seven (7) feet from ground clearance.

8.1.7. Community Service Signs

A community service sign may be erected only by a unit of government, school, chamber of commerce, religious organization or other non-profit agency. The area of a community service sign may not exceed six (6) square feet in area in a Residential Sign District or fourteen (14) square feet in a Non-Residential Sign District. A community service sign that promotes any particular event may not be erected more than thirty (30) days in succession or for more than fourteen (14) days prior to the event, and all such signs must be removed by the responsible party not more than three (3) days after the event. Community service signs that are banners are further controlled by the provisions herein relating to banners.

8.1.8. Construction Signs

The area of a construction sign may not exceed eight (8) square feet and the height may not exceed four (4) feet. Only one construction sign may be permitted per street fronting a building or other project under construction, reconstruction or repair, except that one additional sign, not exceeding three (3) square feet in area, may be placed on the site by any individual contractor or subcontractor working on the project and not acknowledged on the principal sign. No part of a construction sign may exceed a height of six (6) feet. Construction signs which are larger than three (3) square feet in area and not securely mounted on a wall shall be set back at least ten (10) feet from the property line or edge of the right-of-way. Within the City Limits, a construction sign may not be erected before the City has issued a building permit for the project to which the sign refers, and all such signs must be removed within fifteen (15) days after the City issues a certificate of occupancy for the project. In the City's extra-territorial jurisdiction, a construction sign may not be erected before the start of actual construction of the project to which the sign refers, and all such signs must be removed within fifteen (15) days after the completion of the project post-approval of site plan (if required).

8.1.9. Directional Signs

A directional sign may not contain any commercial message except the name, logo or other symbolic identification of the establishment to which the sign is secondary. The area of a directional sign may not exceed six (6) square feet. Directional signs must be located solely on the premises of the establishment to which they relate.

8.1.10. Drive-Through Window Signs

The area of a Drive-Through Window Sign may not exceed ten (10) square feet.

8.1.11. Event Signs, Off-Site

Off-site event signs may not exceed an area of three (3) square feet and may not be illuminated signs. Such signs may be placed only on private property and only with the consent of the owner of the property. No more than three (3) such signs may be used to give directions to the same event. Such signs may not be placed more than fourteen (14) days prior to the event, and all such signs must be removed by the responsible party within one day after the conclusion of the event.

8.1.12. Event Signs, On-Site

An on-site event sign may not exceed an area of three (3) square feet at a residence or sixteen (16) square feet at any other location. Such sign may not be placed more than fourteen (14) days prior to the event, and it must be removed by the responsible party within one (1) day after the conclusion of the event. There shall be no more than three (3) on-site event signs for any event.

8.1.13. Flags

Except for flags that are located on public land, no flagpole may be higher than twenty (20) feet. At any establishment, the entire area of all flags (other than governmental flags) shall be counted toward the limit on the area of a self-supported sign on the premises. Except for governmental flags, no flags may be illuminated.

8.1.14. Free Standing Signs.

Only one (1) free standing sign may be permitted per individual free-standing establishment. Only one (1) free standing sign may be permitted for a commercial complex, except that a commercial complex with a land area of two (2) acres or

more may have one (1) such free standing sign along each street which borders the complex for a distance of two hundred (200) feet or more. Such sign or signs may only identify the name and/or address of the complex and the individual tenants in the complex. If the structure of a free standing sign contains or supports more than one (1) sign, then each such sign must be of the same construction, coloring, design and style. A separate free standing sign for an individual establishment located within a commercial complex may be permitted only if the establishment meets both of the following conditions:

- (a) The establishment is located along a street bordering the complex and in a separate building from the principal building of the complex; and
- (b) The establishment has a separate driveway from the principal driveway entrance of the complex, and a separate parking area from the principal parking area of the complex, which may connect with the principal parking area but is visually set off from that area by fencing or landscaping.

If a landscaped area is installed at the base of a freestanding sign, this landscaped area shall be protected from damage by pedestrian and vehicular traffic by a retaining wall or other barrier or method of separation acceptable to the City Administrator. The plants in such landscaped area shall be maintained in a healthy condition, and the area shall be kept free of weeds, trash and debris by the responsible party.

8.1.15. Facilities Location Signs

Facilities location signs designed to provide directions to the golf course (e.g., the Quicksand at Woodcreek Golf Club Pro Shop) and to the entrance to Camp Young Judea, are subject to the following requirements:

- (a) Location & Number of signs:

There shall be a maximum of four (4) facilities direction signs for the golf course facility. Two (2) of the signs shall be permitted on the property owned by the City at the RR 12 entrance to the City. One (1) sign shall be permitted on the City right-of-way at the Woodcreek Drive west entrance to the City. One (1) sign shall be permitted on the City owned right-of-way at the intersection of Woodcreek Drive and Pro Lane. There shall be a maximum of two (2) facilities directions signs for Camp Young Judea. One sign shall be permitted on City owned property at the intersection of Brookhollow Drive and Woodcreek Drive, and one sign shall be permitted on City owned right-of-way at the intersection of Brookhollow Drive and Jack Miller Drive.

- (b) Construction & Materials:

Sign materials shall be predominately natural, such as stone, cedar or other types of wood or materials that simulate natural materials. The RR 12 signs may have directional copy on both sides, as they will be perpendicular to the street. All signs shall be a maximum of three (3) feet in height and five (5) feet in width. The maximum distance between the bottom of the sign and the ground shall be two (2) feet.

- (c) Approval & Removal:

The City Council shall have right of approval of the design of such signs and shall require a permit for them, prior to installation. It shall be the responsibility of the owners/management of the facilities to install and maintain the signs in good condition. In the event that the signs are no longer needed or not

maintained in good condition, the City may require removal of the signs, at the expense of their owners.

8.1.16. Garage Sale Signs

Garage sale shall not be posted on any property within the City Limits or the ETJ, other than the property that is the site of the garage sale. A garage sale sign may not exceed four (4) square feet and shall be subject to all other regulations as noted in the Garage Sale Ordinance of the City of Woodcreek and may be erected no more than two (2) days prior and one (1) day after the garage sale.

8.1.17. Illuminated Signs

Illuminated signs that are internally illuminated, other than residential development signs and single-family address signs, may only be illuminated during the related establishment's hours of operation and for a period of no more than one hour afterward. Such internally illuminated signs may be illuminated on days that the establishment is not open for business for no longer than they are illuminated during a normal business day. The area of an illuminated sign which is internally illuminated may not exceed eighteen (18) square feet. The illumination from an illuminated sign which is internally illuminated may not exceed four (4) foot candles at a distance of eight (8) feet. The area of an illuminated sign, other than free-standing signs permitted in commercial complexes, may not exceed twenty-four (24) square feet. Neon signs are prohibited except for signs no greater than 4.5 square feet in area located on or inside of a window of an establishment. No illuminated sign shall be illuminated to such intensity or in such a manner as to cause glare or brightness to a degree that it constitutes a hazard or nuisance. Illuminated signs that are illuminated by mercury arc or mercury vapor light sources are prohibited. The maximum illumination of any illuminated sign shall not exceed 40 foot candles in a Non-Residential Sign District or twenty (20) foot candles in Residential Sign Districts. The average illumination of an illuminated sign shall not exceed 20 foot candles in a Non-Residential Sign District or ten (10) foot candles in a Residential Sign District. All light sources used with illuminated signs shall be shielded so that light is confined below the horizontal plane of the light source except that upward directed light may be used to illuminate governmental flags, provided said illumination is confined to the area of the flag. There shall be no line of sight of any length from any point off the property on which a light source used to illuminate an illuminated sign is situated. Trespass illumination from all light sources on a property on which an illuminated sign is situated shall not exceed 0.1 foot candle. The measurement of trespass illumination shall be made at a point three (3) feet above finished grade and four (4) feet inside the boundary of the property on which the trespass illumination occurs. The measurements of the illumination of an illuminated sign shall be made at the surface of the sign. Illuminated signs not conforming to the illumination standards set forth above shall constitute a hazard and a nuisance.

8.1.18. Integral Signs

The area of an integral sign shall not be counted toward the limit on the area of wall signs on the same wall, provided that the integral sign contains no commercial message substantially duplicating another sign.

8.1.19. Model Home Signs

A model home sign may be erected only on the actual site of a model home, and only one such sign may be erected on the site. The area of a model home sign may not exceed eight (8) square feet, and the height of a model home sign may not exceed six (6) feet. A model home sign may not be an internally illuminated sign but may be externally lighted until 10 p.m. All model home signs must be removed within thirty (30) days after ninety (90) percent of the homes in the subdivision are sold.

8.1.20. Monument Signs

The area of a monument sign for an individual establishment may not exceed twenty-four (24) square feet in any Non-Residential Sign District. The area of a monument sign for a commercial complex may not exceed twelve (12) square feet. The height of a monument sign may not exceed eight (8) feet.

8.1.21. Monument Sign, Changeable Copy

The changeable copy portion of the sign shall not exceed six (6) square feet in area.

8.1.22. Name Plates

The area of a name plate may not exceed one (1) square foot in a Residential Sign District or two (2) square feet in a Non-Residential Sign District. Only one (1) name plate may be permitted per residence or establishment.

8.1.23. Pet Signs (Lost/Found)

Pet signs may be placed only at the public bulletin board located at the open space area at the intersection of Woodcreek Drive and Brookhollow Drive. Persons wishing to post a pet sign must contact the City Administrator, during normal business hours for approval. The City shall automatically remove pet signs from the public bulletin board thirty (30) days after posting.

8.1.24. Political Signs

Political signs may be placed only on the premises of a person or entity upon receipt of that person's or entity's express authorization. No political sign may be placed in, on or over any public right-of-way or publicly-owned land. Political signs may not have an effective area greater than thirty-six (36) feet, be more than eight (8) feet high, be illuminated or have any moving parts.

8.1.25. Projecting Signs

Only one projecting sign may be permitted per establishment, except that in an establishment which is located on the corner of a street intersection or at the end of a building in a commercial complex, the establishment may have one projecting sign on the front wall and one projecting sign on the side wall of the building. The area of a projecting sign may not exceed twelve (12) square feet. No projecting sign may exceed a height of twelve (12) feet. No projecting sign may extend above any roof line of the wall of the building to which it is attached, nor beyond the end of the wall to which it is attached. A projecting sign attached to a building on private property may not extend over any public land except a sidewalk adjacent to a building which is lawfully built up to the public right-of-way.

8.1.26. Public Service Signs

A public service sign may be placed only in a Non-Residential Sign District and only on the same lot or tract of land as the establishment sponsoring the sign. The area of a public service sign may not exceed twelve (12) square feet, regardless of whether the public service sign is a separate sign or integrated as a component of another sign.

8.1.27. Realty Signs

Realty signs may be placed only upon the premises to which they refer, and only one (1) such sign may be permitted per street fronting the lot or tract. The area of a realty sign may not exceed eight (8) square feet and the height may not exceed four (4) feet.

8.1.28. Residential Development Signs

In addition to the name and/or the address of the residential development, a residential development sign may incorporate incidental leasing information and/or the contents of a directional sign. A residential development may have no more than one (1) residential development sign for each street fronting such development. For a residential development with six (6) or fewer residential units, the area of a residential development sign may not exceed eight (8) square feet. For a residential development with more than six (6) residential units, the area of a residential development sign may not exceed the smaller of either two (2) square feet per residential unit or sixteen (16) square feet in total. For a residential development sign in a condominium development or in a subdivision in which the sign is common property of the subdivision homeowners, the condominium regime or restrictive covenants must provide adequate assurance, in the judgment of the City Administrator, that the landscaped area, if present, at the base of the sign will be properly maintained by the condominium owners association or homeowners association.

8.1.29. Self-Supported Signs

The area of a self-supported sign for a single establishment may not exceed three (3) square feet in a Residential Sign District or twenty-four (24) square feet in a Non-Residential Sign District. The area of a self-supported sign for a commercial complex may not exceed twelve (12) square feet in a Residential Sign District or sixty-four (64) square feet in a Non-Residential Sign District. For a commercial complex in a Non-Residential Sign District with a land area of two (2) acres or more and frontage of two hundred (200) feet or more on each of two (2) or more streets and more than one (1) self-supported sign the total area of all self-supported signs may not exceed one hundred (100) square feet. The height of a self-supported sign may not exceed ten (10) feet for a single establishment or twelve (12) feet for a commercial complex in a Non-Residential Sign District or four (4) feet in a Residential Sign District.

8.1.30. Single Family Address Signs

In addition to the name of the occupants and/or the address of the residence, a single family address sign may contain an incidental personal message from the occupants, but it may not contain any commercial sign. The area of a single-family address sign may not exceed three (3) square feet.

8.1.31. Wall Signs

A wall sign which is not painted directly on the surface of a wall must be securely mounted to and supported by the wall throughout the length and width of the sign. Only one wall sign may be permitted per establishment. The area of a wall sign on any single wall may not exceed an area greater than three (3) percent of the area of that wall, including windows and doors, or thirty (30) square feet, whichever is less. The changeable copy portion of any wall sign shall not exceed eight (8) square feet in area.

SECTION 9. UNIFORM SIGN RESTRICTIONS

- 9.1.** No person shall construct, place, erect or use a sign anywhere in the City Limits or the City's extraterritorial jurisdiction except in accordance with the following provisions.
- 9.2.** No sign may be placed on or attached to any tree.
- 9.3.** No sign may be placed on or attached to any utility pole or pedestal, except by a utility company owning the pole or pedestal or operating facilities mounted on the pole or in the pedestal.
- 9.4.** Signs no longer in use must be removed if the sign's name, advertises or calls attention to a business, service, product, institution, purpose, organization, cause or activity that has been discontinued, ceased operation, has not been offered on the site or is out of existence for a continuous period of forty-five (45) days or more.
- 9.5.** No sign or part of a sign, including mounting fixtures and supporting structures, may be located on or above any public land or public rights-of-way, except as regulated by other provisions of this Ordinance. This provision does not apply to the particular governmental entity that is owner, custodian, trustee or manager of the public land or public rights-of-way.
- 9.6.** No sign or part of a sign, including mounting fixtures and supporting structures, which is mounted above or projects over any sidewalk, street, drive or parking area, whether on public or private land, may be hung with less than seven (7) feet of vertical clearance above the sidewalk or less than fifteen (15) feet of vertical clearance above the street, drive or parking area.
- 9.7.** No sign may be located on any sidewalk or in any unpaved walkway intended for public use.
- 9.8.** No sign or part of a sign frame may be located between two (2) feet and ten (10) feet above the established ground level within the area of a clear sight triangle for traffic extending twenty-five (25) feet in each direction from the point of a street intersection.
- 9.9.** No sign may be located closer than six (6) feet laterally to a secondary power line or closer than ten (10) feet laterally to a primary power line.
- 9.10.** No illuminated sign, and no permanent sign except a directional sign, may be mounted or placed on or extend above the side wall or rear wall of any building, or be located in the

side yard or rear yard of any lot or tract of land, when such sign faces upon and is visible from a contiguous Residential Sign District.

- 9.11.** No part of a sign attached to a building shall extend beyond any roof line of the portion of the building to which it is attached.
- 9.12.** A person may not place, maintain, or display on or in view of a public street a sign, signal, marking or device that:
- (a) imitates or resembles an official traffic-control device or railroad sign or signal;
 - (b) attempts to direct the movement of traffic; or
 - (c) hides from view or hinders the effectiveness of an official traffic-control device or railroad sign or signal.

SECTION 10. SIGN PERMITS

10.1. Permit & Fee Required

Except as provided in Subsection 10.3 of this Section, no person may construct, place, erect, install, alter, repair or relocate any sign without first obtaining a sign permit from the City Administrator. Applications for a sign permit shall be submitted in conjunction with any required building permit or prior to the construction, placement, erection, installation, alteration, reparation, or relocation of any sign, except as provided in Subsection 10.3 of this Section. Each application for a sign permit must be accompanied by the appropriate fee established by City Council. The applicant shall refer to the Fee Schedule Ordinance for the appropriate fee, or contact the City for such information.

10.2. Permit Application

The submittal for a sign permit shall consist of a completed sign application form; complete information on all aspects of the proposed sign, including type, dimensions, design, content, purpose, placement; a sample set of the proposed materials and/or paint colors; construction plans; and such drawings, descriptions and specifications as are reasonably determined by the City Administrator to be necessary for proper review of the application. Any other documentation including photographs and catalogs, which may further support the application, is encouraged to be included.

10.3. Permit Exemptions

The following types of signs are exempt from the requirement to obtain a sign permit, provided the signs are not illuminated signs, either internally or externally, and provided the signs comply with all other provisions of this Ordinance and other applicable codes:

- (a) Auxiliary signs;
- (b) Event signs, off-site;
- (c) Flags of governments, churches or schools;
- (d) Name plates;
- (e) Political signs;
- (f) Pet signs (lost/found);
- (g) Realty signs;
- (h) Single family address signs;
- (i) Religious signs; and
- (j) Garage sale signs

10.4. Actions Exempt from Permit

The following actions are also exempt from the requirement of a sign permit:

- (a) Repainting, rearranging or replacing letters or characters on an existing sign, provided that the area of the sign is not enlarged, the height of the sign is not increased, the location of the sign is not changed, and/or no other change is made to the sign;
- (b) Changing the copy on a bulletin board or changeable copy sign; or
- (c) Replacing the fabric or other material of an awning sign when no other change is made to the sign.

10.5. Expiration of Permits

All sign permits shall be for a specified term. A sign permit for any sign which use is limited to a time period specified by this Ordinance, or which removal is required at a certain time by this Ordinance, must be for a specified term that does not exceed the time limit established by this Ordinance. The specified time limit for the construction of a sign under a sign permit shall not exceed six (6) months. If substantial progress has not been achieved within six (6) months, the permit shall automatically expire. Substantial progress shall include good faith initiation of construction of the sign or significant expenditures of funds toward sign construction.

10.6. Modifications

After a sign permit has been issued by the City Administrator, it shall be unlawful to change, modify, alter or otherwise deviate from the terms and conditions of the permit without prior approval by the City Administrator.

SECTION 11. SIGN MAINTENANCE

11.1. Maintenance Required

All signs must be maintained in a structurally safe condition, freshly painted and/or in good repair. The City Administrator shall notify, by certified mail, the responsible party for any sign not so maintained, and the responsible party shall be required to perform the necessary maintenance or repairs within thirty (30) days of the postmark on the notice. Any sign not repaired within the allotted time may be removed by the City and the actual cost of such removal shall be charged to the responsible party for the sign. If an un-maintained or un-repaired sign is removed by the City and the sign remains unclaimed for a period of more than thirty (30) days, the City may destroy, sell, or otherwise dispose of the sign.

11.2. Removal of Hazardous Signs

Any sign which in the judgment of the City Administrator has become an imminent hazard to public safety, either because of an incident of damage or because of neglect of maintenance or for any other reason, shall be repaired or removed by the responsible party without delay. Notice of the existence of the hazard shall specify the maximum time which may be allowed for repairs or removal in order to insure public safety, and the notice may be served upon the responsible party by any means available. A hazardous sign which is not repaired or removed within the time specified in the notice shall be removed by the City and the cost of such removal shall be charged to the responsible party. If a sign has been removed by the City as a hazardous sign and the sign remains unclaimed for a period of more than thirty (30) days, the City may destroy, sell, or otherwise dispose of the sign.

SECTION 12. LEGAL NON-CONFORMING SIGNS

12.1. Continuation in Use

12.1.1. Legal non-conforming signs may be continued in use. However, if the use of a legal non-conforming sign is discontinued because it does not contain any message for a continuous period of forty-five (45) days or more, then the sign must be removed or brought into full compliance with this Ordinance by the responsible party. Any future use of the sign must be in full compliance with this Ordinance.

12.1.2. A legal non-conforming sign must be removed or brought into full compliance with this Ordinance if the sign names, advertises or calls attention to a business, service, institution, purpose, organization, cause or activity that was in existence on or before the original adoption of this Ordinance on April 11, 2007, but subsequently ceased existence or has been discontinued for a continuous period of forty-five (45) days or more. The owner of a legal non-conforming sign in existence on or before the original adoption of this Ordinance must provide proof of prior acceptance or approval by the City for the legal non-conforming sign. Proof of prior acceptance or approval must be provided to the City Administrator. Acceptable forms of proof include, but are not limited to permits, receipts, letter from the City, etc. An owner of a legal non-conforming sign that is unable to provide proof of prior acceptance or approval by the City for the legal non-conforming sign must apply for a waiver from the City, according to Section 13 of this Ordinance.

12.1.3. The lighting installation for a legal non-conforming illuminated sign shall be brought into conformity with this Ordinance within a period of five (5) years from its effective date.

12.2. Limitations on Modification

No legal non-conforming sign may be enlarged in area, increased in height, expanded, moved, altered, or remodeled in any respect unless and until a responsible party applies for and receives a sign permit and is in all respects brought into conformity with the Ordinance. However, subject to Subsection 12.4 below, a legal non-conforming sign may be repainted or repaired provided that no other change is made in the construction of the sign. Legal non-conforming signs that are prohibited by Sections 6 and 7 of this Ordinance may not be enlarged in area, increased in height, expanded, moved, altered or remodeled in any respect. Legal non-conforming signs enlarged in area, increased in height, expanded, moved, altered, or remodeled without a sign permit shall lose its legal non-conforming status and be subject to enforcement pursuant to this Ordinance.

12.3. Removal of Destroyed Signs

A legal non-conforming sign shall be considered destroyed if the cost of repairing the sign is more than sixty (60%) percent of the cost of erecting a new sign of the same type at the same location. A destroyed sign must be removed by the responsible party without compensation by the City and within thirty (30) days of the damage. A legal non-conforming sign that has been destroyed may not be replaced or rebuilt except by a sign which is constructed and located in full conformity with this Ordinance.

SECTION 13. WAIVERS

13.1. Presumption

There is a presumption against the granting of waivers to this Ordinance.

13.2. Timing

A waiver request will be reviewed more favorably when submitted concurrently with one of the following applications:

- (a) plat;
- (b) building permit;
- (c) re-zoning; or
- (d) site development.

13.3. Application & Fee Required

A waiver is a written approval to depart from the strict application of one or more specific provisions of this Ordinance. Any person, business or other organization desiring to continue a use, construction, or placement of any sign which does not conform to the provisions of this Ordinance may make an application to the City Council for a waiver allowing the continued use, construction, or placement of such a sign. The application shall be filed with the City Administrator, accompanied by the appropriate fee established by City Council and include a drawing or sketch with sufficient detail to determine the location and type of construction for the proposed sign.

13.4. Standards for Waivers

The City Council may approve a waiver only if it makes affirmative findings, reflected in the minutes of the City Council's proceedings, as to all of the following:

- (a) The waiver will not authorize a type of sign which is specifically prohibited by Section 6 of this Ordinance;
- (b) The waiver will not authorize a type of sign which is prohibited by Section 7 of this Ordinance;
- (c) The waiver is not contrary to the public interest;
- (d) Due to special conditions, a literal enforcement of the Ordinance would result in unnecessary hardship. Ordinarily, hardship that is self-induced or that is common to other similarly classified properties will not satisfy this requirement. Financial or economic hardship alone will not ordinarily satisfy this requirement.
- (e) The spirit and purpose of the Ordinance will be observed and the design guidelines set forth in Section 4 of this Ordinance are substantially met and substantial justice will be done.

13.5. Conditions of Waivers

The City Council may impose such conditions or requirements in a waiver as are necessary in the City Council's judgment to protect the overall character of the community and to achieve the fundamental purposes of this Ordinance. A violation of such conditions or requirements shall constitute a violation of this Ordinance. A waiver if granted, shall be for a specific event, use or other application of a business and shall not continue with the property. If a waiver is granted and the sign so authorized is not substantially under construction within six (6) months of the date of approval of the waiver, the waiver shall lapse and have no force or effect.

13.6 Master Sign Plan

Any project seeking City approval of more than three (3) signs that require waivers must submit to the City a Master Site Plan.

SECTION 14. ENFORCEMENT

14.1. Civil & Criminal Penalties

The City shall have the power to administer and enforce the provisions of this Ordinance as may be required by governing law. Any person violating any provision of this Ordinance is subject to suit for injunctive relief as well as prosecution for criminal violations. Any violation of this Ordinance is hereby declared to be a nuisance.

14.2. Criminal Prosecution

Any person violating any provision of this Ordinance shall, upon conviction, be fined a sum not exceeding \$2,000.00. Each day that a provision of this Ordinance is violated shall constitute a separate offense. An offense under this Ordinance is a Misdemeanor.

14.3. Civil Remedies

Nothing in this Ordinance shall be construed as a waiver of the City's right to bring a civil action to enforce the provisions of this Ordinance and to seek remedies as allowed by law, including, but not limited to the following:

- (a) Injunctive relief to prevent specific conduct that violates the Ordinance or to require specific conduct that is necessary for compliance with the Ordinance; and
- (b) A civil penalty up to \$1,000.00 a day when it is shown that the defendant was actually notified of the provisions of the Ordinance and after receiving notice committed acts in violation of the Ordinance or failed to take action necessary for compliance with the Ordinance; and other available relief.

14.4. Notice & Removal

In addition to remedies otherwise provided in this Ordinance, whenever the City Administrator has evidence of a sign which after the effective date of this Ordinance was erected, constructed, altered, repaired, relocated or changed in violation hereof, or is otherwise in violation hereof, the City Administrator shall require the party responsible for such sign to remove it. If the responsible party fails to remove the sign within seventy-two (72) hours after being notified to do so, or if it appears to the City Administrator that the sign poses an immediate danger to the public, then such sign may be removed by the City and the City's actual cost of removal shall be charged to the responsible party. Any sign so

removed shall be impounded and shall not be returned to the party responsible until all applicable charges are paid. If any sign remains unclaimed for a period of more than thirty (30) days, the City may destroy, sell, or otherwise dispose of the sign.

14.5. Immediate Removal

The City shall have the authority to immediately remove and dispose of signs deemed in violation of this Ordinance if such signs are placed on or attached to trees, utility poles or pedestals, or located on any public land or public rights-of-way. The City may enforce this section without notice and without returning the removed signs to the responsible party.